





JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
SPECIAL SESSION OF 1974

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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
SPECIAL SESSION OF 1974

*Tuesday, 19Feb74*

CALL OF THE SESSION

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*Whereas*, the welfare of the State requires the reconvening of the General Court for the purposes of considering a capital budget, food stamp legislation, a cost of living formula for state retirees, financial relief to our cities and towns to help elderly citizens and other taxpayers, time and one-half pay for all over-time for state employees, and the energy crisis; and

*Whereas*, the Executive Department in calling such a session intends a limited agenda of those items deemed very important to the welfare of the State;

NOW, THEREFORE, the Governor and Council, on motion duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50, of the New Hampshire Constitution and summon the General Court to reconvene in Special Session at 11:00 A.M. on Tuesday, February 19, 1974, for the purpose of considering the above enumerated matters affecting the welfare of the State.

Meldrim Thomson, Jr., *Governor*

With the advice of the Council:

Robert L. Stark, *Secretary of State*

Prayer was offered by Assistant Chaplain Father Francis J. O'Connor.

May the blessing of God Almighty, the Father, the Son, and the Holy Spirit rest upon us, and upon all our work and worship done in His Name. May He give light to guide us, courage to support us, and love to unite us, now and forever more. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Bell led the Pledge of Allegiance.

## COMMUNICATION

Mr. J. Milton Street, Clerk  
House of Representatives

Dear Mr. Street:

The following Representatives-elect have appeared before the Governor and Council and were sworn into office:

September 26, 1973, Hillsborough County Dist. 8

Armand A. Archambault, Goffstown

Jo Ellen Orcutt, Goffstown

Antonio J. Roy, Jr., Goffstown

November 14, 1973, Hillsborough County Dist. 30 (Manchester, Ward 6)

Dorothy J. Drewniak, Manchester

Grafton County Dist. 14 (Lebanon, Wards 1, 2, 3)

Joanne L. Symons, Lebanon

December 12, 1973, Rockingham County Dist. 4

Paul A. Gibbons, Derry

January 2, 1974, Cheshire County Dist. 15 (Keene, Ward 4)

Muriel K. Cooke, Keene

January 23, 1974, Cheshire County Dist. 5

Augustine J. Marshala, Swanzey

Hillsborough County Dist. 26 (Manchester, Ward 12)

James A. Normand, Manchester

Strafford County Dist. 11 (Rochester, Ward 4)

Arthur Gagnon, Rochester

Robert L. Stark  
Secretary of State

## LEAVES OF ABSENCE

Rep. Palfrey, the day, illness.

Reps. Goodrich and Cary the week, illness.

Rep. Woods, indefinite, illness.

Reps. George E. Lemire and Erickson, the day, important business.

Rep. Woodward, today and tomorrow, important business.

Rep. Saunders, the week, important business.

Rep. Estabrook, indefinite, important business.

## RESOLUTIONS

Reps. George B. Roberts, Jr. and Coutermarsh offered the following resolution.

*Resolved*, that the honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:30 o'clock for the purpose of receiving his excellency the governor and any communication he may be pleased to make, and that a joint committee of five consisting of three on the part of the House and two on the part of the Senate be appointed to wait upon his excellency and inform him accordingly.

Adopted.

The Speaker appointed Reps. George B. Roberts, Jr., Coutermarsh and Bell.

Reps. George B. Roberts, Jr. and Coutermarsh offered the following resolution.

*Resolved*, that the honorable Senate be notified that the House of Representatives has assembled under the authority of the call of a special session by the governor and council, and is now ready to proceed with the business of the 1974 special session.

Adopted.

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 1 through 35 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading and referral

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes. (Drake of Coos Dist. 3 — To Appropriations).

HB 2, making appropriations for capital improvements. (Mann of Hillsborough Dist 3; Raymond of Cheshire Dist. 12 — To Public Works).

HB 3, relative to establishment of a food stamp program and making an appropriation therefor. (D'Allesandro of Hillsborough Dist. 34; Gallen of Grafton Dist. 1; McLane of Merrimack Dist. 16; Sen. Trowbridge of Dist. 11 — To Public Health and Welfare).

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor. (Brungot of Coos Dist. 8; McLane of Merrimack Dist. 16; Roberts of Belknap Dist. 4; Gelinas of Hillsborough Dist. 31 — To Public Health and Welfare).

HB 5, establishing an emergency energy authority and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 24; LaRoche of Strafford Dist. 11 — To Executive Departments and Administration).

HB 6, providing overtime pay for certain classified state employees, and making an appropriation therefor. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration).

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services. (Chambers of Grafton Dist. 13; Symons of Grafton Dist. 14; Hough of Grafton Dist. 14 — To Municipal and County Government).

HB 8, permitting the election of delegates to national party conferences. (Hildreth of Belknap Dist. 7; Orcutt of Hillsborough Dist. 8 — To Statutory Revision).

HB 9, increasing the debt limit for the Londonderry school district. (Boucher of Rockingham Dist. 3 — To Education).

HB 10, providing for a special license to hunt pheasants; and authorizing the director of fish and game to implement a buck law on a county, town, city or area basis, with the approval of the fish and game commission. (Maynard of Rockingham Dist. 18; Richardson of Coos Dist. 4; Hunt of Coos Dist. 2; Huggins of Coos Dist. 1 — To Fish and Game) .

HB 11, to increase the salaries of state classified employees and non-exempt employees of the university system and providing differential pay to classified prison employees and making appropriations therefor. (Coutermarsh of Hillsborough Dist. 24; Roberts of Belknap Dist. 4; Sen. Nixon of Dist. 9 — To Executive Departments and Administration) .

HB 12, conforming tax commission references in the current use taxation law to the revised revenue administration laws. (Nutt of Grafton Dist. 13 — To Executive Departments and Administration) .

HB 13, repealing the termination date of RSA 357-B. (Murray of Belknap Dist. 9 — To Transportation) .

HB 14, revising the management-employee relations law for state employment. (Coutermarsh of Hillsborough Dist. 24 — To Labor, Human Resources and Rehabilitation) .

HB 15, relative to redistricting the ward lines of the city of Laconia. (Huot of Belknap Dist. 6; Hildreth of Belknap Dist. 7 — To Special Committee — Laconia Delegation) .

HB 16, permitting public accountants to form a professional association. (Plourde of Merrimack Dist. 7 — To Statutory Revision) .

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor. (O'Connor of Strafford Dist. 15; Hildreth of Belknap Dist. 7 — To Executive Departments and Administration) .

HB 18, requiring local approval prior to approval of site plans for oil refineries. (Dudley of Strafford Dist. 4 — To Municipal and County Government) .

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U.S. senator, representative in con-

gress, governor's councilor, county officer, state senator or representative to the general court. (McLane of Merrimack Dist. 16; Chandler of Merrimack Dist. 3 — To Statutory Revision).

HB 20, increasing the interest rate of housing authority bonds. (Bigelow of Merrimack Dist. 3 — To Statutory Revision).

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education. (French of Belknap Dist. 1 — To Education).

HB 22, establishing a critical lands commission; providing for the classification of certain land areas of the state as critical and making an appropriation therefor. (Claffin of Carroll Dist. 4; Greene of Rockingham Dist. 17; Barrus of Sullivan Dist. 2; Kopperl of Merrimack Dist. 9 — To Environment and Agriculture and Resources, Recreation and Development).

HB 23, continuing present city of Somersworth's elected officials in office until next regular election and electing constitutional convention delegates from old wards; and permitting the city of Rochester to hold a referendum to abolish the police commission and amend its charter. (Meserve of Strafford Dist. 7; LaRoche of Strafford Dist. 11 — To Municipal and County Government).

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; and exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act. (Hamel of Rockingham Dist. 11; Woods of Rockingham Dist. 22 — To Transportation).

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire. (Hildreth of Belknap Dist. 7; Simard of Rockingham Dist. 9 — To Executive Departments and Administration).

HB 26, relative to guaranteeing a minimum adequate income for the elderly, blind and disabled; and making an appropriation therefor. (Spirou of Hillsborough Dist. 27; Plourde

of Merrimack Dist. 7 — To Labor, Human Resources and Rehabilitation).

HB 27, relative to carrying a loaded pistol on an OHRV, as defined in RSA 269-C. (Gorman of Rockingham Dist. 4 — To Transportation).

HB 28, authorizing Franklin Pierce College to grant the degree of juris doctor. (French of Belknap Dist. 1 — To Education).

HB 29, relative to tuition payments for the definitions of handicapped persons under the age of twenty-one and amending the appropriation for same. (French of Belknap Dist. 1 — To Education).

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill. (Roberts of Belknap Dist. 4; Currier of Hillsborough Dist. 15 — To Judiciary).

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor. (Hoar of Rockingham Dist. 8; Stevens of Cheshire Dist. 1; Bigelow of Merrimack Dist. 3; Hunt of Coos Dist. 2; Sen. Claveau of Dist. 14 — To Statutory Revision).

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks. (Coutermarsh of Hillsborough Dist. 24 — To Ways and Means).

HB 33, relative to the Winnepesaukee River Basin Control. (Roberts of Belknap Dist. 4 — To Resources, Recreation and Development).

HB 34, relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products. (Roberts of Belknap Dist. 4; Coutermarsh of Hillsborough Dist. 24 — To Environment and Agriculture).

HB 35, providing for twenty years retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement

System and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 24; Roberts of Belknap Dist. 4 — To Appropriations).

### RESOLUTION

Reps. George B. Roberts, Jr. and Coutermarsh offered the following resolution.

*Resolved by the House of Representatives* that the speaker after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

### SENATE MESSAGE

Mr. Speaker:

Be informed that the Honorable Senate under the authority of the Call of a Special Session by the Governor and Council has assembled and is now ready to proceed with the business of the 1974 Special Session.

### RESOLUTION

Reps. Zachos and Coutermarsh offered the following resolution:

*Be It Resolved* by the House of Representatives, that the Clerk of the House and the Assistant Clerk of the House shall for the 1974 special session be paid the same daily compensation that they received during a regular session.

Adopted.

### RESOLUTION

Reps. Zachos and Coutermarsh offered the following resolution:



*Resolved*, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the clerk, within three legislative days, to confirm and correct the permanent journal. The permanent journal as thus prepared by the clerk or as corrected by the House shall be the official record of the House, and be it further

*Resolved*, that the committee on the journal be authorized to examine the permanent journal of the last three days of the session, as prepared by the clerk, and with the approval of the speaker and the minority leader to make corrections of the same.

Adopted.

## RECESS

### JOINT CONVENTION

#### ADDRESS OF GOVERNOR MELDRIM THOMSON, JR.

Mr. President; Mr. Speaker; Honorable Members of the General Court:

You gather here today in Special Session in response to a call issued by the Governor and Council last October pursuant to Part II, Article 50 of our Constitution.

When you adjourned last July there were faint whisperings of a fuel crisis to come. Heeding these warnings, I had appointed in June an Energy Council, headed by former Governor Lane Dwinell.

Later in the fall the predicted fuel crisis became real. For a time we thought of calling a special session before the end of the year to consider modification of daylight time, lowering our speed limits, and placing emergency powers in the hands of the Governor and Council.

Congress, following the leadership of the President, restored daylight savings time and lowered speed limits. And we found that the Governor and Council possessed adequate powers to cope with a fuel crisis under the provisions of RSA 339:39.

However, we still faced some hard decisions requiring legislative implementation. These included action on a food stamp

program, reconsideration of a capital budget, and a supplemental operating budget to provide for the rapid increase in the costs of fuels and foods for public institutions.

Hence, I am glad that you have returned to the State House to help share the tough decisions that must be made to serve responsibly our people.

The challenges of this session cut across partisan politics. They require that you and I labor in harmony, reason together, and be wise in the use of the limited resources at our disposal.

### *The Economy*

We anticipate a surplus of \$13 million in the operating budget for the current fiscal biennium.

In the 53 bills and one Joint Resolution approved by the Joint Rules Committee you are asked to spend \$81 million — \$34 million for expenses in the biennium and \$47 million for items to be financed by borrowing!

When you left here last summer the economic climate was fair. You had met more generously the needs of our people than at any prior time in our history. Our budget was in balance and we anticipated a small surplus.

Since then the winds of fortune have shifted full course. We now stand in the midst of a severe economic storm that promises to grow worse before its clouds are dissipated.

Our unemployment stands at 5% up from 4.5% for the same time last year. The cost of living has skyrocketed.

Our revenues from highway tolls and gasoline are down drastically. Our ski areas and the tourist business generally have suffered their worst season.

Gasoline, fuel oil, and electricity are only a few of the essential items of our American way of life that are in short supply. Until the acute energy crisis is solved, which experts tell us is at least six years down the road, Americans will have to work harder than ever and make do with less.

We must live for a few years as conservationists while shifting the cumbersome gears of the free enterprise system to full speed on production.

America's horn of plenty is empty. We cannot refill it by economic gimmickry such as building budgets on speculative full employment or by borrowing from empty pockets.

Prosperity will return to our land only when we extinguish the raging flames of inflation by producing through hard work more than we consume. Legislative programs and appropriations are no substitute for the productivity of the free enterprise system.

### *Taxes*

This is no time to think of raising new taxes or the rates on current ones.

Nor should we jeopardize the future of our children by borrowing their anticipated substance to alleviate the results of our own mistakes.

We must live within our present revenues.

We must tighten the belt on state spending.

At a time when the limited dollars in the pockets of our citizens buys less fuel, food and other necessities of life, our taxpayers will not tolerate the intrusion of the cotton-picking fingers of new tax collectors.

### *Revenues and Budgets*

Our general revenue, unrestricted funds through January were running close to anticipated levels.

In this category we had received by January 31st, 59% of the \$124 million estimated by the Legislature for fiscal 1974. This was \$4 million more than for the comparable period of fiscal 1973.

We are in trouble on our restricted funds such as fish and game licenses, road tolls, gasoline taxes, and at the state-owned ski areas. However, revenues from these sources could improve with an equitable allocation of gasoline to New Hampshire in particular, and to New England generally.

### *Supplemental Budget*

In preparing a supplemental budget for the current bien-nium we should try to limit it to \$10 million and thus reserve

an anticipated surplus of \$2 to \$3 million for the unexpected contingencies which our uncertain economy might hold.

HB 1, the supplemental budget, would appropriate \$11 million.

Energy and inflation requests from state agencies accounts for almost \$7 million. Revised figures suggest that original energy estimates might be excessive by \$1 million.

The second large item in HB 1 is a \$4 million general fund increase of AFDC welfare payments.

When studying this request for welfare, I would hope that legislators would weigh carefully the unprecedented increase in welfare costs for New Hampshire taxpayers.

For fiscal 1972-73 the total welfare bill was \$91 million of which \$28 million was raised directly from state taxes.

This was increased for the current biennium by \$15.4 million to \$106 million.

*And*, if Governor and Council or the Legislature act affirmatively on either requests of the Welfare Division now before each, we will have to add another \$10 million for a revised total welfare cost of \$116 million. About \$37.6 million of this will come from state taxpayers.

### *Capital Budget*

The bonded indebtedness of the state at the beginning of this fiscal year was \$136 million.

As we consider a capital budget that requires bonding we should bear in mind two important factors —

1. If we borrow \$33 million as contemplated by HB 2 we may have to pay a high interest rate of 4.7 percent or more; and
2. Any part of it that is used to construct new state buildings will sharply increase our maintenance costs due to the energy crisis.

I would strongly urge that we cut back severely on plans to add new buildings for the University System. In the light of availability of space in private colleges, we should carefully re-evaluate the present need for more space in our public insti-

tutions of higher learning before plunging into new and costly construction.

Although the total of HB 2 is \$2 million less than the capital budget of the last session, you should bear in mind that the maintenance item of \$1 million and the Mt. Washington Authority item of \$3 million have been filed as separate bills.

Thus the proposed new capital budget is in fact \$2 million higher than the old one, if you were to include these two separate items; and it is \$2 million higher in the amount of bonds to be authorized.

The proposed capital budget is much too high for these perilous and uncertain economic times. I would hope that you could trim it substantially.

There are those who say that the veto of the capital budget last year will eventually cost the state some extra \$6 million in higher construction costs and interest.

This is a false argument built upon the premise that we cannot reconsider and revise the elements of that exorbitant capital budget. Further, it overlooks the fact that in the past, construction contracts have generally been let a year to a year and a half *after* the budget was passed.

The capital budget of last year does not need padding, but rather pruning!

### *State Employees*

Our state employees would like a substantial increase in salaries that would cost the state \$9 million. During the current fiscal year they received a 4 percent increase. Next July they will receive a further increase of 4 percent from an appropriation already made.

The only way any kind of increase in salaries could be made, short of new taxes, would be to cut back on authorized but unfilled new positions.

At the last session we cautioned against the abnormal increase in state positions proposed by the Legislature.

For fiscal 1974 there were 555 new jobs authorized and for 1975 another 118 were added.

Of the 555 new jobs scheduled to be filled in the current biennium 359 have been released to date, although 85 of these positions are still unfilled.

Thus, the Legislature in its wisdom could consider cutting back by several hundred the positions it authorized last year and save up to \$2 million.

Such funds could be applied to a further raise in salaries of state employees beginning next July.

### *Food Stamps*

The Surplus Food Program of the Department of Agriculture will come to an end on July 1st.

At present this program is providing food assistance to about 22,000 New Hampshire persons with a value of about \$2.5 million per year.

HB 3 would authorize a Federal Food Stamp Program for New Hampshire.

For the balance of this fiscal biennium it would cost \$2 million just for administration — \$400 thousand for the rest of this fiscal year and \$1.6 million for fiscal 1975. About 40 per cent of this would come from state funds.

It would add more than 100 new employees to the already swollen ranks of our welfare bureaucracy. It would be administered from Concord by the Welfare Division.

Under this program up to 60,000 persons would receive food stamps. They would pay approximately 80 cents for every dollar's worth of food purchased.

Those already on welfare would receive their food stamps in addition to current welfare payments.

And to be sure that this give-away program grows in recipient members and in cost to the taxpayers, it contains its own built-in advertising program known as Out-Reach. Thus, with tax dollars the program would solicit people to join.

It is even estimated that with the initial adoption of food stamps in New Hampshire several thousand college students could join the program.

We shall suggest a substitute for food stamps. It would cost

about \$2.5 million for fiscal 1975 and serve approximately the same number of persons who now receive surplus food.

We would use the present New Hampshire Distributing Agency for the distribution of food vouchers, thus avoiding the need for new employees. The vouchers would be distributed through the counties and cities to the towns much as surplus food is now.

A state food voucher program would have the advantage of low overhead costs. Most important of all, it would be administered by local officials who are close to the people and are in the best position to know of and to respond to their genuine needs.

We recently discussed such a program with a number of County Commissioners and found them overwhelmingly in favor of a state food voucher program.

### *Railroads*

When we first took office we abandoned the position of the prior administration of absolute opposition to all proposed railroad abandonments and entered into negotiations with the Boston and Maine to see what could be salvaged.

We took a firm stand against abandonment of lines needed to service established firms for whom trucking would be an impossible substitute.

These negotiations were carried on by Commissioner George Gilman and our Legal Counsel, Charles Douglas. They have reached a point where the Boston and Maine will pay to the state in back taxes about \$1 million which we in turn would use to purchase the rights-of-way and some trackage of lines to be abandoned.

This would be a wash item, costing the citizens nothing, and by which the state would acquire title to several rail lines that would be abandoned.

In view of the present uncertainties affecting all railroads under the new Railway Act, we believe that HB 31, that would put the state in the railroad business at an initial cost of \$8 million is — to speak most charitably — premature and should be sent to further study.

Such a study might well show that the Transportation Authority, recently created by the Legislature with my support, should be the agency charged with railroad matters.

### *Refinery*

In this bleak hour of the energy crisis, New Hampshire is singularly blessed with the prospect that a refinery may locate here.

An oil refinery such as that proposed by Olympic Refinery, Inc. could be an even greater economic boon to our state than Pease Air Base.

The question should not be whether New Hampshire would tolerate the Olympic Refinery.

The question should be do New Hampshire citizens want energy enough to throw out the welcome mat to Olympic.

After all, how often does a vital unit in the American economy indicate that it is willing to spend \$600 million in one state to produce that most precious commodity in the winter of '74 — energy?

A refinery that would —

- be the largest in the nation
- be clean as a clinic
- cost more than a half billion dollars
- engage 800 to 1000 employees in high paying jobs
- create 3000 support jobs
- be able to provide all the oil needed by New Hampshire and most of that for New England, and
- meet all environmental standards on land, sea and in the air,

must of necessity add greatly to the prosperity and comfort of the people of our state. In terms of progress it would place New Hampshire on the threshold of the 21st century.

Just as there is a tide in the affairs of men which if taken at the full bears on to fortune; so too, is it with states.

The tide for a refinery now runs full. Let us embark on the voyage that could bring success to New Hampshire.



Honored Members of the General Court, we face crucial problems that require the best from each of us for their successful resolution. Others who have labored in this hallowed hall in the past century and a half have succeeded. So, too, will we.

While I may not agree with you in all legislative matters that you might have under consideration, please do count on my sincere and friendly effort to cooperate in every way possible.

May your work rebound to the credit of New Hampshire!

On motion of Sen. Foley the Convention arose.

The Speaker ordered the Governor's address to be printed in the Journal.

## HOUSE

Rep. Drake addressed the House relative to the fiscal affairs of the State.

## COMMUNICATION

Hon. James E. O'Neil  
Speaker  
House of Representatives

Dear Mr. Speaker:

Through you I wish to thank all of the members of the House for the purse presented to me at the closing of the Session.

Your thoughtfulness was most appreciated.

Sincerely,

Eileen Smith  
State House Nurse

## RESOLUTION

Reps. George B. Roberts, Jr. and Coutermarsh offered the following resolution.

*Be It Resolved* by the House that the rules of the 1973 session of the House, as amended in accordance with the copy distributed to all members and now in their possession, be adopted as the rules of the House for the 1974 special session.

Rep. Roberts explained changes in the House rules.

(discussion)

Rep. Horan offered an amendment.

The clerk read the amendment in full.

Rep. Horan spoke in favor of his amendment.

Reps. Coutermarsh and Roberts spoke against the amendment.

Amendment lost.

Resolution adopted.

### CHANGES IN HOUSE RULES

New 32 (v) It shall be the duty of the Committee on Ways be in order only when given to the House in open session prior to adjournment on the same day on which the vote was passed or on the next day on which the House shall be in session within one-half hour after the convening of the early session and any such notice of reconsideration shall be effective *only for the next legislative day* and thereafter shall be null and void.

New 28 (v) It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state. They shall consider and report periodically to the House upon every other subject concerning the financial interest of the state.

Omit paragraph 2, Rule 32 (a)

New 38. All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. Legislative Services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries an appropriation and all such legislation shall be prepared for signature by the sponsor.

New 43. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at

least *one* day in the Calendar of the House. When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House Committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is subsequently received in the House from the Senate.

Omit paragraph 2, Rule 43.

57 Omit.

58 Omit.

59 Omit.

Reps. Zachos and Coutermarsh offered the following resolution.

#### HOUSE CONCURRENT RESOLUTION

*Be It Resolved by the House, The Senate Concurring*, that the actions of the rules committees of each house and the joint rules committee in granting approval for drafting, pre-printing, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling and holding of all hearings by said committees as printed in the calendars of both houses and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

The clerk read the resolution in full.

Rep. George B. Roberts, Jr. explained changes in the joint rules.

(discussion)

Rep. Horan offered an amendment.

The clerk read the amendment in full.

Rep. Horan spoke in favor of his amendment.

Reps. Coutermarsh and Roberts spoke against the amendment.

Amendment lost.

Rep. Daniell offered an amendment.

Amend proposed joint rule No. 23 by striking out the same and inserting in place thereof the following:

Rule No. 23. No action may be taken in either house on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

The clerk read the amendment in full.

Rep. Daniell spoke in favor of his amendment.

(discussion)

Reps. Sayer, Gerry F. Parker and George E. Gordon spoke in favor of the amendment.

Reps. George B. Roberts, Jr. and Scamman spoke against the amendment.

Rep. T. Anne Webster requested a division.

146 members voted in the affirmative and 146 in the negative.

Rep. Sayer challenged the vote.

158 members having voted in the affirmative and 155 in the negative, the amendment was adopted.

Resolution adopted.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILL

SB 14, relative to election of delegates to the constitutional convention from Berlin.

### SUSPENSION OF RULES

The member from Berlin, Mr. Fortier, moved that the rules be so far suspended as to dispense with committee reference, hearing, advertising in Journal on SB 14, relative to election of delegates to the constitutional convention from

Berlin, and to permit the bill to be placed on third reading and final passage at the present time.

Reps. Coutermarsh and George B. Roberts, Jr. spoke in favor of the motion.

Adopted by the necessary two-thirds.

Third reading and final passage

SB 14, relative to election of delegates to the constitutional convention from Berlin.

### RECONSIDERATION

Rep. T. Anne Webster moved reconsideration of Daniell amendment to joint rule 23.

Reconsideration lost.

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, and when the House adjourns, it adjourn to meet tomorrow at 11 a.m.

Adopted.

On motion of Rep. Lynch the House adjourned at 1:50 p.m.

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### *Wednesday, 20Feb74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, Our God, we ask You for the desire and the power to help others. Give us the opportunity of serving our generation according to Your will, and manifesting Your grace to men.

We pray also for the repose of the soul of Romeo Desilets, grant him right, peace and happiness in Your Eternal Kingdom. We ask this through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Joseph M. Eaton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Dortehea M. O'Neil, the day, important business.

Rep. Canney, indefinite, illness.

## ENROLLED BILLS REPORT

SB 14, relative to election of delegates to the constitutional convention from Berlin.

Mabel L. Richardson  
*For The Committee.*

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, and when the House adjourns, it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

On motion of Rep. Rogers the House adjourned at 11:10 a.m.

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*Tuesday, 26Feb74*

The House met at 11:00 o'clock.

(Rep. George B. Roberts, Jr. in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, Our God, send your blessing upon us and all our work done in Your name. Give light to guide us, courage to support us and love to unite us, now and forever more. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Milne led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Connors, Bernard, and Conley, the day, illness.

Reps. Harriet W. H. Richardson and Cobleigh, indefinite, illness.

Rep. Cary, the week, illness.

Reps. Chris K. Andersen, Hough, Cummings and George E. Lemire, the day, important business.

Rep. Tibbetts, the week, important business.

Rep. Saunders, indefinite, important business.

## SENATE MESSAGES

### CONCURRENCE

Amendment to Joint Rules.

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The Honorable Senate has voted to adopt a calendar of meetings for the 1974 Special Session.

Meetings to be held on February 19, 20, 26, 27.

March 6, 7, 12, 13, 19, 20, 26, 27.

April 2, 3, 10.

### UNANIMOUS CONSENT

Rep. Tripp addressed the House by unanimous consent as follows:

At the request of Mrs. Ethel Canney I am addressing the General Court to express the heartfelt appreciation of Mrs. Ralph Canney and their children for the floral tributes sent by the House of Representatives and the personnel in the Sergeant of Arms office, for the cards and letters so frequently sent to Ralph during his 8 month illness and for the many expressions of sympathy sent by those involved in state government from time to time.

We would also voice our thanks to all those who respectfully attended the funeral services last Saturday.

### PERSONAL PRIVILEGE

Reps. Beckett and Richard L. Bradley rose on a point of personal privilege.

Rep. Charles B. Roberts moved that Rep. Beckett's remarks be printed in the Journal.

Rep. Sayer spoke against the motion.

Motion lost.

## COMMITTEE REPORTS

**HB 9**

increasing the debt limit for the Londonderry school district. Ought to pass with amendment. Rep. Rock for Education.

The committee concurs with the sponsor's indicated need for additional bonding authority after a most expertly detailed and researched presentation on the needs and difficulties faced because of population explosion in the area.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Londonderry School District Limit Increased. Notwithstanding the provisions of RSA 33:4-a to the contrary, the school district encompassing the town of Londonderry shall not incur net indebtedness to an amount at any one time outstanding exceeding nine percent of its equalized valuation as determined according to law.

Amendment adopted.

Ordered to third reading.

**HB 6**

providing overtime pay for certain classified state employees, and making an appropriation therefor. Inexpedient to legislate. Rep. Cushman for Executive Departments and Administration.

This bill would need some work. The committee felt it would be better to rewrite the bill for the next session of the legislature. The sponsor agreed.

Resolution adopted.

**HB 11**

to increase the salaries of state classified employees and non-exempt employees of the university system and providing differential pay to classified prison employees and making appropriations therefor. Ought to pass with amendment. Rep. McLane for Executive Departments and Administration.

The committee feels that state employees deserve, and are



in need of, a pay raise. If enough money cannot be found in the state of New Hampshire for this pay raise, the committee feels that this should be the decision of the Appropriations Committee to kill the bill. To Appropriations.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire state hospital and making appropriations therefor.

Amend the bill by striking out sections 9, 10, and 11 of same and inserting in place thereof the following:

9 University System Employees. There is hereby appropriated for the fiscal year ending June 30, 1974 the sum of one million twenty-eight thousand sixty-eight dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the annual salaries of those employees of the university system whose salaries are equivalent to those within the state classified employee salary structure by seven hundred eighty dollars or eight percent, whichever is greater, with a maximum of one thousand two hundred twenty dollars, effective January 4, 1974. There is hereby appropriated for the fiscal year ending June 30, 1975 the sum of three million forty-two thousand nine hundred twelve dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the annual salaries of those employees of the university system whose salaries are equivalent to those within the state classified employee salary structure by four percent, on the average, effective June 21, 1974. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

10 Hazardous Pay for Prison Personnel and Correctional Psychiatric Aides. Amend RSA 99 by inserting after section 9 the following new section:

99:10 N. H. State Prison and State Hospital. Classified employees at the state prison and correctional psychiatric aides at the state hospital shall be paid in addition to their regular salary, hazardous duty pay in the amount of twenty-five dollars per week.

11 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1974 for the purposes of section 10 of this act the following sum: fifty thousand three hundred seventy-five dollars from the general fund. There is hereby appropriated for the fiscal year ending June 30, 1975 the following sum: two hundred one thousand five hundred dollars from the general fund. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

## **HB 17**

increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor. Ought to pass with amendment. Rep. Roderick H. O'Connor for Executive Departments and Administration.

The bill increases mileage rates from 10c to 12c per mile. For each 10c rise in the average price of gasoline the legislative fiscal committee advises Governor and Council to implement a 1c rise in the mileage rate.

The amendment allows for a decrease in the mileage rate if the price of gasoline goes down. The amendment also reduces the appropriation from \$202,000 to \$131,000 and empowers the Governor to draw his warrant from the appropriate funds.

## **AMENDMENT**

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Mileage Rate. Amend RSA 99-A:1, as inserted by 1955, 257:1, as amended, by striking out said section and inserting in place thereof the following:

99-A:1 State Officials and Employees. State officials and

employees required to use their private cars in the conduct of official business for the state shall be reimbursed for mileage at a rate of twelve cents per mile. When the price of gasoline reaches a statewide average of fifty cents per gallon, as determined by the legislative fiscal committee and upon approval by the governor and council, an additional one cent per mile increase shall be authorized. The legislative fiscal committee shall continue monitoring the statewide average price of gasoline and for each ten cent increase or decrease per gallon from fifty cents, as determined by said committee and upon approval of governor and council, a one cent per mile increase or decrease, respectively, shall be authorized, except that in no case shall the mileage reimbursement rate be decreased below twelve cents per mile.

2 Appropriation. There are hereby appropriated for fiscal year ending June 30, 1975 for the purpose of section 1 of this act the following sums: \$64,126 from general funds, \$35,452 from highway funds, \$1,000 from fish and game funds, \$30,409 from special funds. The governor is authorized to draw his warrant for the money hereby appropriated which shall be a charge against the general fund and against each special fund as designated. If an additional appropriation is required due to an increase above the twelve cents a mile authorized, the governor is authorized to draw his warrant for any additional funds required for such additional appropriations which shall be a charge against the general fund and against each special fund as designated.

Amendment adopted.

At the request of Rep. Gerry F. Parker, Rep. Roderick H. O'Connor answered questions.

Referred to Appropriations.

#### **HCR 1**

memorializing Miriam Jackson. Ought to pass. Rep. Milne for Resolutions and Screening.

Fitting tribute.

The clerk read the resolution in full.

Unanimously adopted.

#### **HCR 2**

establishing a joint committee to study the railroad condi-

tions and related matters in the state of New Hampshire. Refer to Committee on Statutory Revision. Rep. Milne for Resolutions and Screening.

Needed because of The Regional Rail Reorganization Act of 1973.

Referred to Committee on Statutory Revision.

### HCR 3

relative to the protection of the New Hampshire fishing industry. Refer to Committee on Fish and Game. Rep. Milne for Resolutions and Screening.

Requested by DRED.

Referred to Committee on Fish and Game.

### HB 8

permitting the election of delegates to national party conferences. Inexpedient to legislate. Rep. Chase for Statutory Revision.

Withdrawn by sponsor.

Resolution adopted.

### HB 16

permitting public accountants to form a professional association. Ought to pass. Rep. Chase for Statutory Revision.

Enables public accountants to form professional associations.

(discussion)

Rep. Elizabeth E. Goff offered an amendment.

The clerk read the amendment in full.

### POINT OF ORDER

Rep. T. Anne Webster rose on a point of order.

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Rep. Goff explained her amendment.

(discussion)

Rep. Beckett further explained the amendment.

Amendment lost.

Rep. Joseph L. Cote moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. Chase and Newell spoke against the motion.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Joseph L. Cote requested a division and subsequently withdrew his request.

Motion lost.

Ordered to third reading.

## **HB 28**

authorizing Franklin Pierce College to grant the degree of juris doctor. Ought to pass with amendment. Rep. Matheson for Education.

This bill has been heard by the Education Committee in the 1973 session, studied in the interim by the committee as a whole and reheard in the 1974 special session. All criteria having been met, it is recommended for passage.

## **AMENDMENT**

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Authority Extended. Amend 1965, 471:1, as amended by 1969, 554:1, by inserting in line eight after the word "achievement." the following (Said college is further authorized and empowered, until June 30, 1977, to grant the degree of juris doctor to qualifying graduates of its adjunct, Franklin Pierce Law Center.) so that said section as amended shall read as follows:

471:1 Franklin Pierce College. Franklin Pierce College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain an institute of learning to be known as Franklin Pierce College, to prescribe the rules for the government of said college and the courses of studies to be pursued therein, and to confer upon

graduates thereof the degrees of bachelor of arts and bachelor of science to the qualifying candidates and to give customary honorary recognition to outstanding individuals for noteworthy achievement. Said college is further authorized and empowered, until June 30, 1977, to grant the degree of juris doctor to qualifying graduates of its adjunct, Franklin Pierce Law Center.

Amendment adopted.

Rep. Horan offered an amendment.

The clerk read the amendment in full.

Rep. Horan explained his amendment.

Rep. French spoke against the amendment.

Amendment lost.

Ordered to third reading.

Approved by House Resolutions and Screening Committee.

#### HOUSE RESOLUTION

*Whereas*, the University of New Hampshire's varsity hockey team is currently ranked number one in the east in top divisional play; and

*Whereas*, the team is also ranked number three in the entire nation; and

*Whereas*, team captain Gordie Clark has attained All-American recognition and goalie Cap Raeder is ranked number one in the east at his position; and

*Whereas*, the team roster includes the three top scorers in the east in Gordie Clark, Jamie Hislop and Cliff Cox;

*Now Therefore Be It Resolved* by the House of the State of New Hampshire Assembled:

That congratulations be extended to the entire team, to the members of the above-named, and to Coach Charles Holt for the credit they reflect upon the University and the State for their outstanding success in intercollegiate athletic competition; and

That a copy of these resolutions be conveyed to Coach Holt for the entire team.

Offered by Reps. Kenneth W. Spalding, McManus and Elmer S. Wiggin.

### RESOLUTION

Rep. Coutermarsh moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns it adjourn to meet tomorrow at 11 a.m.

Adopted.

### LATE SESSION

Third reading and final passage

HB 9, increasing the debt limit for the Londonderry school district.

HB 16, permitting public accountants to form a professional association.

HB 28, authorizing Franklin Pierce College to grant the degree of juris doctor.

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Rep. David J. Bradley, Chairman of the Special Committee on Bill Handling made a presentation to the House.

On motion of Rep. Harvell the House adjourned at 12:50 p.m. in memory and in honor of Miriam Jackson.

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*Wednesday, 27Feb74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, God Almighty, who has made all the nations on the face of the earth to serve You: Give us not only a passion for equal justice under the law, but also strength of self-control that we may exercise our liberty with a single desire to promote your gracious will for all mankind.

We ask this through Christ Our Lord. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Brungot led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Conley and Elizabeth E. Goff, the day, illness.

Rep. Bernard, indefinite, illness.

Rep. Tilton, the day, death in family.

Reps. Roger K. Warren, Cummings and VanLoan, the day, important business.

## SENATE MESSAGE

## CONCURRENCE

HCR 1, memorializing Miriam Jackson.

## COMMITTEE REPORTS

**HB 21**

relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education. Ought to pass with amendment. Rep. Rock for Education.

This bill provides the mechanism to correct a situation wherein the program of education for handicapped children comes under control of the state board of education.

## AMENDMENT

Amend RSA 198:20-a as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

198:20-a Payment of Governmental Moneys Prohibited in Non-Public School Without Program Approval by the Board of Education for Handicapped Children. No state moneys or moneys raised and appropriated by any political subdivision of the state or any federal moneys administered by the state or any political subdivision thereof shall be paid or granted to a non-public school for the education and training of handicapped children as defined by RSA 186-A:2, IV which has not been ap-



proved by the state board of education pursuant to those policies adopted under the provisions of RSA 186:11, XXIX.

Amendment adopted.

Ordered to third reading.

## **HB 29**

relative to tuition payments for the definitions of handicapped persons under the age of twenty-one and amending the appropriation for same. Ought to pass with amendment. Rep. Rock for Education.

This bill, as amended, corrects flaws in two laws enacted in the 1973 session.

## **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

### **AN ACT**

relative to tuition payments for the definitions of handicapped persons under the age of twenty-one and amending the appropriation for same and educational expenses in public institutions.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Educational Expenses of Inmates and Patients. Amend RSA 8:41-c (supp) as inserted by 1973, 385:1, by striking out said section and inserting in place thereof the following:

8:41-c Educational Expenses. Educational expenses of any inmate or patient, who is educable or trainable and who is between six and twenty-one years of age, as required under statute and incurred in the institutions named in or at the direction of the commissioner of health and welfare, in any public or private institution or elsewhere, shall be recovered from the school district in which the patient's or inmate's parents or legal guardian reside on the January first preceding the recovery up to the state average elementary cost per pupil, as determined by the state board of education for the preceding school year. The liability of the school district for such expenses shall precede that of the persons and estates named in

RSA 8:41 and RSA 8:41-a, which are hereby relieved of liability for such expenses to the extent of the school district's liability.

6 Effective Date.

I. Sections 1, 2, 3 and 4 of this act shall take effect upon passage.

II. Section 5 of this act shall take effect July 1, 1974.

Amendment adopted.

Rep. Horan moved that HB 29 be referred to the committee on Education for further study and spoke in favor of the motion.

Rep. Laurent J. Boucher spoke against the motion.

(discussion)

Rep. Rock non-spoke against the motion.

Motion lost.

Referred to Appropriations.

## **HB 22**

establishing a critical lands commission; providing for the classification of certain land areas of the state as critical and making an appropriation therefor. Majority: Ought to pass with amendment; Rep. Greene for Environment and Agriculture and Resources, Recreation and Development. Minority: Inexpedient to legislate. (Reps. Curran, Nelson, Pryor, Lawton and Tanner)

Majority: HB 22 establishes a method of identifying and protecting critical land areas of the state. Strict guidelines are set up and the critical land commission and its director are limited in their applications of the law to those powers specifically granted in the bill. The legislation is regulatory, not prohibitory, and has been amended to meet objections raised in the public hearing. Basically each amendment is to reflect a suggestion made at the hearing and the amendment will be explained in detail.

Minority: 1. It limits the use of much of our farm land and urban areas in perpetuity without compensation to

the owners, or reclassification procedure. 2. The state land use inventory is incomplete so no one can really say how much land is automatically covered by the bill, or likely to be covered by classification. 3. Proper State Land Use Legislation should balance both the environmental and socio-economic factors. This bill deals only with the environmental factor. 4. As written the bill creates an additional layer of bureaucracy incompatible with home rule in situations where local control should prevail. 5. No one can be sure that the bill is compatible with the National Land Use Planning and Assistance Act soon to be enacted.

Rep. Kopperl explained the bill and amendments.

(discussion)

Rep. Lawton moved that the report of the minority, inexpedient to legislate, be substituted for the majority report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Joseph L. Cote, Harvell, Coutermarsh, George I. Wiggins, Nelson, Pryor, Curran and George B. Roberts, Jr., spoke in favor of the motion.

Reps. Taber, Belair, Ezra B. Mann, Winkley, Fortier, Currier and Gelinas non-spoke in favor of the motion.

Reps. Coburn, Williamson, Barrus, Woodruff, Claffin, Schwaner and Green spoke against the motion.

Rep. Barrus requested a roll call seconded by Reps. David J. Bradley, Milbank, Dorthea M. O'Neil, Greene, Bowler and Claffin.

## ROLL CALL

Yeas: 212    Nays: 117

## YEAS

### SULLIVAN COUNTY:

D'Amante, Scott, Olden, Wiggins, George I.

### BELKNAP COUNTY:

French, Lawton, Matheson, Marsh, Roberts, George B., Twigg, Hildreth, Sabbow, Maguire, Murray, James W.

## CARROLL COUNTY:

Howard, Donalda K., Webster, T. Anne.

## CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Whipple, Dunham, Marshala, McGinness, Savage, Forcier, Yardley, Streeter, Nims, Drew, Scranton.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Burns, Richardson, Mabel L., Kidder, Victor L., Oleson, Fortier, Pryor, Brungot, Gagnon, Rebecca, Theriault.

## GRAFTON COUNTY:

Curran, Stevenson, Bradley, Richard L., Clark, Jones, Anthony, K., Mann, Ezra B., Anderson, Fayne E., Jones, Albert C., Buckman, Harrison, Gemmill, Bell, Webb, Krainak, Duhaime, Eaton, Myrl R.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Murray, Fred E., Karnis, Eaton, Clyde S., Warren, E. George, Archambault, Roy, Antonio J., Perkins, Arnold B., Harvell, Nelson, Bragdon, Brown, G. Winthrop, Carter, Coburn, Langdell, Dwyer, Geiger, Lyons, Alukonis, Bednar, Nutting, Polak, Currier, Seamans, Ethier, Rock, Record, Belcourt, Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Gabriel, Migneault, Boisvert, Mason, Ouellette, Wilcox, Coutermarsh, Erickson, Lebel, Daniels, Ackerson, Bourassa, Montplaisir, Murphy, Horan, Bruton, Cote, Joseph L., Cullity, Shea, Barrett, William F., Healy, Daniel J., McDonough, Clancy, Drewniak, Sullivan, Mary J., Beaulieu, Gelinas, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., D'Allesandro, Sweeney, Lamy, Lemire, Armand R., Levasseur.

## MERRIMACK COUNTY:

Bigelow, Chandler, Jones, Donald P., Parker, Harry C., Deoss, Hanson, Boucher, Laurent J., Enright, Rice, Gamache, Gordon, George E., Plourde, Bartlett, Thompson, Doris L., Wiggan, Elmer S., Humphrey, James A., Piper, Cate, Tarr, Wilson, Ralph W., Howard, C. Edwin.

## ROCKINGHAM COUNTY:

King, Davis, Roy W., Wilson, Helen F., Boucher, William

P., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gibbons, Gorman, MacGregor, Read, Senter, Belair, Sayer, Southwick, Stevens, William J., Spollett, Webster, Clarence L., White, Vey, Erler, Goodrich, Tavitian, Akerman, Casassa, Cunningham, Collishaw, Twardus, Scamman, Stevens, Elliott A., Ellis, Hammond, Griffin, Cotton, Dame, Hodgdon.

STRAFFORD COUNTY:

Dawson, Rowell, Tirrell, Joncas, Bouchard, Maloomian, Chasse, Peter N., Meserve, Tanner, Tibbetts, Ruel, Winkley, LaRoche, Gagnon, Arthur, Preston, Boisse, Leighton, Donnelly, Kincaid, O'Connor, Roderick H., Parnagian, Pray.

NAYS

SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Rousseau, Roy, Mary R., Spaulding, Roma A., Tucker, Brodeur, Burrows, Lewko, Frizzell, Williamson.

BELKNAP COUNTY:

Nighswander, Wuelper, Bowler, Roberts, Charles B., Pierce, Randlett.

CARROLL COUNTY:

Duprey, Davis, Dorothy W. Chase, Claflin, Allen.

CHESHIRE COUNTY:

Stevens, Anthony, Johnson, Elmer L., Ladd, Gordon, Anne B., Milbank, Turner, Cooke, Close.

COOS COUNTY:

Patrick, Hunt.

GRAFTON COUNTY:

Gallen, Chamberlin, Fimlaid, Altman, Bradley, David J., Chambers, Copenhaver, Nutt, Hough, Symons, Townsend, Madeline G.

HILLSBOROUGH COUNTY:

Heald, Philip C., Colburn, Thomson, Harold E., Orcutt, Knight, Ferguson, Boyd, Hall, Carswell, Bergeron, Smith, Leonard A., Richardson, John W., Parker, Gerry F., Zechel, Woodruff, Cote, Margaret S., McGlynn, Ainley, Milne, Zachos, Nardi, Smith, Craig D., Spirou, Dupont, Gardner, O'Neil, Dorteia M., Normand, Bernier.

**MERRIMACK COUNTY:**

Kidder, William F., Thompson, Arthur E., Perkins, John B., Cushman, Kopperl, Mattice, Burleigh, Daniell, Fisher, Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Rich, Underwood, Hager, Noble.

**ROCKINGHAM COUNTY:**

Stimmell, DeCesare, Roy, Vesta M., Sununu, Hoar, Sanborn, Schwaner, Simard, Rogers, Hamel, Randall, Parr, Brown, Benjamin A., Eastman, Junkins, Page, Weeks, Greene, Lockhart, Maynard, Palfrey, Splaine, McEachern, Joseph A.

**STRAFFORD COUNTY:**

Plumer, Hebert, Thompson, Barbara C., Tripp, McManus, Peabody.

Reps. Spalding, Kenneth W. and Harriman abstained under Rule 16.

Reps. McLaughlin and Aubut wish to be recorded as voting yes.

212 members having voted in the affirmative and 117 in the negative, the motion prevailed.

Rep. Colby wishes to be recorded in favor of the motion, inexpedient to legislate on HB 22.

**RECONSIDERATION**

Rep. Coutermarsh moved reconsideration on HB 22.

Reconsideration lost.

**HB 23**

continuing present city of Somersworth's elected officials in office until next regular election and electing constitutional convention delegates from old wards; and permitting the city of Rochester to hold a referendum to abolish the police commission and amend its charter. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Emergency legislation required to provide:

a. Certain elected city officers of Somersworth would continue in office, representing old wards, until next election affecting that office. These officials had been inadvertently omitted from Chapter 572, Laws of 1973, which permitted

representatives to continue to represent old wards until the next election.

b. Somersworth delegates to Con-Con would be elected from wards existing prior to redistricting, caused by inability of Somersworth to complete voter re-registration under the new ward lines.

The bill, as amended, deletes all reference to a referendum to be held in the city of Rochester on the subject of the Rochester Police Commission.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### An Act

continuing present city of Somersworth's elected officials in office until the next regular election and electing constitutional convention delegates from old wards.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Meserve moved that the rules of the House be so far suspended as to place HB 23 on third reading and final passage by title only at the present time.

Rep. George B. Roberts, Jr. spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### Third reading and final passage

HB 23, continuing present city of Somersworth elected officials in office until next regular election and electing constitutional convention delegates from old wards.

### RECESS

## AFTER RECESS

## SENATE MESSAGES

## CONCURRENCE

A resolution legalizing, ratifying, approving and confirming the action taken by the rules committee.

## INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 5, providing that a person cannot be denied unemployment compensation benefits if he refuses a job too distant from his home. Labor, Human Resources and Rehabilitation.

## COMMITTEE REPORTS CONTINUED

**HB 7**

permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services. Ought to pass with amendment. Rep. Bergeron for Municipal and County Government

Permissive legislation which would permit interstate cooperation for mass transportation and will help relieve transportation problems now being experienced in Grafton County. Amendments are for clarification purposes and to make the bill effective "upon its passage."

## AMENDMENT

Amend RSA 53-A:3, XV as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

XV. The establishment, acquisition, or contracting for the maintenance and operation of any public transportation system and related facilities for the conveyance of passengers.

Amend the bill by striking out sections 4 and 5 of same and inserting in place thereof the following:

4 Appropriations by Cities. Amend RSA 47:11-a, as in-



serted by 1969, 365:1 by striking out said section and inserting in place thereof the following:

47:11-a Mass Transportation for Cities.

I. Power to appropriate. The governing body of any city may, subject to the provisions of paragraphs II and III, raise and appropriate such sums of money as public convenience or necessity may require, to aid or to contribute to a mass transportation system.

II. Optional Referendum. If the governing body of a city should desire to place the question of whether or not to appropriate a certain sum of money pursuant to the provisions of paragraph I, they may place said question on a referendum to be voted upon at any regular municipal election, or at a special election called for the purpose of voting on said question. Should a referendum be held, the following questions shall be submitted "Shall the governing body of the city of ( ) be instructed to appropriate (\$) for the purpose of aiding mass transportation?" The governing body shall be bound by the outcome of the referendum.

III. Two-Thirds Vote. If the governing body of a city should decide not to place the question of whether or not to appropriate a certain sum of money pursuant to the provisions of paragraph I on a referendum, a two-thirds vote of the entire membership of the governing body shall be necessary in order to approve said appropriation.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 30**

relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill. Ought to pass. Rep. Frizzell for Judiciary.

HB 30 provides for increase in length of time allowed for emergency diagnostic detention from fifteen to thirty days and time for hearing from five to ten days; and authorizes compensation for extra work done by registers of probate. No new appropriation. Several amendments were offered

but they were rejected as being non-germane or needing more study.

Ordered to third reading.

### **HB 10**

providing for a special license to hunt pheasants; and authorizing the director of fish and game to implement a buck law on a county, town, city or area basis, with the approval of the fish and game commission. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

Committee felt no need for special licenses at this time and also unanimously opposed to the concept of a buck only law.

Rep. Maynard moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Maynard spoke in favor of the motion.

(discussion)

Reps. T. Anne Webster, Chamberlin, Laurent J. Boucher and John T. Winn spoke against the motion.

Rep. Maynard spoke a second time in favor of the motion.

Motion lost.

Resolution adopted.

### **HB 19**

increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court. Ought to pass. Rep. Chase for Statutory Revision.

In recognition of the higher cost of political campaigns, this will raise the legal limits under which candidates may work.

Rep. Gerry F. Parker moved that the words, inexpedient to

legislate be substituted for the committee report, ought to pass and spoke in favor of the motion.

Rep. Chase spoke against the motion.

Rep. Gorman spoke in favor of the motion.

(discussion)

Rep. James W. Murray spoke in favor of the motion.

Rep. Daniell non-spoke in favor of the motion .

Rep. Parker requested a division and subsequently withdrew his request.

Motion lost.

Ordered to third reading.

### **HB 33**

relative to the Winnepesaukee River Basin Control. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

The bill breaks section 1 into numbered paragraphs for easier understanding, assesses reasonable costs for operation and maintenance to participating municipalities, and for capital costs based on share of use of system upon approval to construct.

The amendment removes a portion of the bill which would make operation and costs ultimately the obligation of the states.

The amendment removes a portion of the bill which would make operation and maintenance and administrative costs ultimately the obligation of the state.

The amendment also provides for the continuation of the present committee to study and report on the program and needs of the Water Supply and Pollution Control Commission, require all requested material and increase the membership from nine to eleven.

### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

### An Act

relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission.

Amend RSA 149-G:1, I, as inserted by section 1 of the bill by striking out in line four the word "Alton," so that said paragraph as amended shall read as follows:

I. The New Hampshire water supply and pollution control commission is hereby authorized and directed to acquire, plan, construct, and operate, to serve certain municipalities within the Winnepesaukee river basin (including, but not necessarily limited to Meredith, Laconia, Gilford, Belmont, Sanbornton, Tilton, Northfield, and Franklin) any and all sewage and waste disposal facilities (meaning only those facilities eligible for federal and state aid) in accordance with basin and regional treatment needs consistent with federal and state requirements.

Amend RSA 149-G:6, III, as inserted by section 2 of the bill by striking out in line one the word "nine" and by striking out in line three the word "municipalities" and inserting in place thereof the following (communities), so that said paragraph as amended shall read as follows:

III. The communities specified in RSA 149-G:1, when the first contract is let for the construction of any sewage waste treatment facility which will be used by all the communities who are or become participating members of the system, shall be assessed the full amount of the municipalities' share of the total capital cost of said facility, which shall be paid to the state upon certification of what percentage of the municipalities' total share is payable by each municipality.

Amend RSA 149-G:6, IV, as inserted by section 2 of the bill by striking out in line one the word "nine", so that said paragraph as amended shall read as follows:

IV. The communities specified in RSA 149-G:1 and any other community upon application to and approval of the water supply and pollution control commission to become a participating municipality in the system, shall be assessed the municipality's share of the capital costs, for any facility either in existence or constructed to serve that particular community. If two or more communities are served by a particular facility, a

portion of the municipality's share of the total capital costs of the facility shall be assessed each community served on the same basis as provided for in paragraph VI.

Amend RSA 149-G:6, V, as inserted by section 2 of the bill by inserting in line one after the word "municipality" the following (making application thereto), so that said paragraph as amended shall read as follows:

V. Any municipality making application thereto that is subsequently approved by the water supply and pollution control commission to become a participating member of the system shall be assessed a proportionate share of the municipality's costs originally assessed for any facility in the system that will serve the new community member of the system. The assessment shall then be equitably distributed by the water supply and pollution control commission to the municipalities that participated in the original capital costs for that facility or facilities to be utilized by the new participating member.

Amend RSA 149-G:6, VI, as inserted by section 2 of the bill by striking out in lines twelve and thirteen the words "Any operating and maintenance costs over and above what has been determined to be reasonable by the commission shall be an obligation of the state.), so that said paragraph as amended shall read as follows:

VI. The assessments and allocations provided to be made by this section shall be made by taking into account the volume and strength of the industrial, domestic, commercial, and all other waste discharges treated and techniques of treatment required. Reasonable costs as determined by the water supply and pollution control commission, associated with transporting raw or treated sewage through each major interceptor from a municipality at which it is generated to the point of treatment or discharge shall be allocated to the municipality which uses the interceptor on the basis of volume and distance traveled. In determining said assessment or allocation for each municipality, the commission shall abide by federal regulations which govern the allocation of costs and receipt of payments by industry for industrial discharge.

Amend RSA 149-G:6, as inserted by section 2 of the bill by striking out paragraph X.

Amend the bill by striking out all after section 2 of same and inserting in place thereof the following:

3 Study Committee on Water Supply and Pollution Control Commission Continued. The special committee established pursuant to the laws of 1973, chapter 334, shall be continued.

4 Committee Membership Enlarged. Amend the laws of 1973, chapter 334, by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby established a special legislative committee to study and report on the existing program and future needs of the water supply and pollution control commission. The committee shall review the efficiency, economy and effectiveness of present procedures, policies and programs of the commission with respect to the handling of the duties and functions assigned to it. The committee shall make recommendation for any additional safeguards, personnel and other measures which it deems necessary in order that the commission may carry out its present and anticipated future responsibilities. Said committee shall consist of thirteen members appointed as follows: three senators from the senate resources and environmental control committee appointed by the president of the senate, five representatives of the house committee on resources, recreation and development appointed by the speaker of the house and three members representing the general public appointed by the governor. The committee shall elect one of its members as chairman. The committee shall report its findings and recommendations to the general court. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and its political subdivisions, such data, information and assistance as it may deem necessary or desirable for the purposes of this study. The water supply and pollution control commission shall provide the special committee with such of its rules, regulations and procedures as the committee may request, together with the justification therefor.

5 Effective Date. This act shall take effect upon its passage.

At the request of Rep. Newell, Rep. Clafin explained the amendment.

(discussion)

Amendment adopted.

Referred to Appropriations.

**HB 4**

providing supplemental grants to families with dependent children and making an appropriation therefor. Ought to pass with amendment. Rep. Haller for Public Health and Welfare

Provides supplemental grants to families with dependent children. Also authorizes flat grant payments for categorical assistance.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Authorizing Flat Grant Payments. Amend RSA 167:7, as amended, by inserting in line 11 after the word "health" the following (The director of the division of welfare may adopt a system of flat grant assistance payments to separate categories of recipients, but, if a recipient's need for assistance exceeding the flat grant so requires, the director shall consider such need in determining the amount of assistance to be received by the recipient.) so that said section as amended shall read as follows:

167:7 Amount of Assistance. The director of the division of welfare, department of health and welfare, shall determine the amount of assistance which any person shall receive under this chapter or RSA 161. The director of the division of welfare shall, however, in appropriate cases first consult with the proper officials of counties or towns hereby required to contribute to the cost thereof. In any case due regard shall be given to the resources, necessary expenditures in each case, the conditions existing in each case, and the rules and regulations made by the division, and said assistance shall be sufficient, when added to all other income and resources of the case, to provide such person with a reasonable subsistence compatible with decency and health. The director of the division of wel-

fare may adopt a system of flat grant assistance payments to separate categories of recipients, but, if a recipient's need for assistance substantially varies from what the flat grant provides, the director shall consider such need in determining the amount of assistance to be received by the recipient.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

### HB 3

relative to establishment of a food stamp program and making an appropriation therefor. Ought to pass. Rep. Carol Pierce for Public Health and Welfare.

Establishes a food stamp program.

Referred to Appropriations.

### HB 31

authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor. Ought to pass with amendment. Rep. Chase for Statutory Revision.

This bill authorizes the Public Utilities Commission, as the sole agent of the state, to acquire railroad properties when deemed to be in the best public interest to maintain the operation of any rail service in the state.

The Public Utilities Commission shall have the authority to sell or lease said railroad properties to private enterprise for the continuance of the rail service.

The bill further provides the commission with condemnation rights pursuant to RSA 498-A, the eminent domain statute.

The commission is authorized to work with Federal authorities and other states where the acquisition, operation and maintenance of rail service to New Hampshire is involved.

A bond issue of eight million dollars for fiscal 1974 is requested to acquire existing available railroad properties.



An appropriation of \$26,723.00 for fiscal 1974 and a sum of \$94,407.00 for fiscal 1975 is requested in this bill.

### AMENDMENT

Amend RSA 372-A:1, VI as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. The policy of the state of New Hampshire is to preserve for continued rail service or other public uses the line or lines of all railroads within the state, including but not restricted to lines abandoned or to be abandoned in the state.

Amend RSA 372-A:11 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

372-A:11 Planning Authority. The commission shall have the power and authority to develop and promulgate plans for the development and continuation of railroad systems within the state of New Hampshire. The commission shall have the duty and responsibility for establishing a state plan as referred to in the Regional Rail Reorganization Act of 1973, including Sections 401, 402 and 403 thereof.

Amend RSA 372-A:14 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

372-A:14 Delinquent Railroad Taxes. Notwithstanding any other provision of law to the contrary, there are hereby appropriated to the commission, and the commission may utilize, any delinquent state taxes and the interest due thereon to the date of acquisition from any railroad entity only as an off-set against the purchase cost of any railroad property purchased from that railroad entity. Such taxes and interest hereby appropriated shall be in addition to any other funds available for the purposes of this chapter.

Amend RSA 372-A:17 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

372-A:17 Disposition of Acquired Rail Properties. Whenever the commission determines that any rail properties ac-

quired by the state are no longer needed for railroad purposes, it may transfer or sell such rail properties to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purpose and, if no state department or agency, or political subdivision, wants such properties, the commission may sell them, with the proceeds being deposited to the special railroad fund established by RSA 372-A:18. Such transfer or sale shall require the approval of the governor and council.

Amendment adopted.

Referred to Appropriations.

## HB 20

increasing the interest rate for housing authority bonds.  
Ought to pass. Rep. Chase for Statutory Revision.

Would allow municipal housing authorities to borrow money at a maximum interest rate of 8%. The present law limits the maximum to 6%.

Ordered to third reading.

Rep. Newell offered the following House Concurrent resolution:

### HOUSE CONCURRENT RESOLUTION NO. 4

*Be it Resolved* by the House of Representatives, the Senate concurring, that a new rule be added to the Joint Rules of this session, to wit:

32 Neither house shall adjourn for longer than five days without the consent of the other.

Referred to the Rules Committee.

### RECONSIDERATION

Rep. T. Anne Webster moved reconsideration on HB 10, providing for a special license to hunt pheasants; and authorizing the director of fish and game to implement a buck law on a county, town, city or area basis, with the approval of the fish and game commission.

Reconsideration lost.

## RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet Wednesday next at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services.

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court.

HB 20, increasing the interest rate for housing authority bonds.

On motion of Rep. Symons the House adjourned at 4:40 p.m.

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*Wednesday, 6Mar74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O, Lord, our God, we ask You to bless, preserve and keep us, and all whom we love, and all who need our prayers and efforts. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Bigelow led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Ellis and Southwick, the day, illness.

Reps. Gibbons, Sewall and Montplaisir, indefinite, illness.

Rep. Hough, the day, important business.

Rep. Burleigh, the week, important business.

Rep. Tarr, today and tomorrow, important business.

### COMMUNICATION

Dear Mr. Speaker and Members of the Honorable House,

On behalf of her family, her many friends throughout the state, and the organizations for which she worked so devotedly, I want to express our deep appreciation and respect for the memorial resolution honoring Miriam Jackson.

Among her many interests, there was nothing Miriam believed more important than our democratic legislative system. She was particularly mindful of New Hampshire's unique process, whereby every bill must have a public hearing and be brought to the floor for consideration.

All of us who knew and loved Miriam take great pride in this thoughtful action of the Legislature.

We were particularly touched at the wording of the resolution. It faithfully portrayed the philosophy which enabled Miriam to have good relationships with representatives of every viewpoint, party & faction. For she truly believed that people are more important than issues.

With respect and appreciation,  
Patrick Jackson

Rep. Harvell moved that the communication be printed in the Journal.

Adopted.

DECISION OF THE NEW HAMPSHIRE  
SUPREME COURT

James E. O'Neil, Sr. &amp; a.

v.

Meldrim Thomson, Jr., as Governor

February 28, 1974

*McLane, Graf, Greene & Brown* and *Richard S. Snierson* (Mr. Stanley M. Brown orally) for James E. O'Neil, Sr. and others as members of the New Hampshire General Court and individually.

*Cleveland, Waters & Bass* and *Robert T. Clark* (Mr. Clark orally) for State Employees' Association of New Hampshire, Inc.

*Charles G. Douglas III*, legal counsel to the Governor, by brief and orally, for Meldrim Thomson, Jr.

*Stanton E. Tefft*, by brief and orally, for intervenors, being seven members of the House of Representatives in opposition to the petition.

LAMPRON, J. Petition for a declaratory judgment and other relief brought against Meldrim Thomson, Jr., as Governor, by certain members of the General Court in their capacity as President and Vice President of the Senate and as Speaker and Deputy Speaker of the House and as minority leaders of the Senate and the House and as individual taxpayers. Also a plaintiff is the New Hampshire State Employees' Association, Inc., a voluntary corporation, in its own right and on behalf of its members and of all classified employees for whom it is the bargaining agent. The plaintiffs seek a declaration that certain Executive Orders promulgated by the Governor are "illegal, unconstitutional and void". Seven members of the house of representatives intervened in opposition to the action.

The Trial Court (*Keller, C.J.*) found that: "No useful purpose would appear to be served by evidentiary hearings in this Court, since the basic issues are of constitutional law and of statutory interpretation, and all parties indicate that a final determination by the Supreme Court is desirable." All ques-

tions of law raised by the pleadings of the parties were reserved and transferred to this court without rulings by the trial court.

The challenged Executive Orders are as follows:

(1) No. 73-14 promulgated on July 10, 1973 which in pertinent part provided: "... [I]t is hereby ordered and promulgated that effective this date no new permanent or new temporary classified personnel shall be hired without the prior approval of the Governor or his designee. Such approval will be given only when the need is clear-cut and failure to employ the additional personnel will clearly decrease our ability to meet the needs of the people of our State. This freeze shall be effective until September 10, 1973, unless sooner terminated by the Governor. All requested positions shall be certified to the Governor by the appropriate department head.

"Existing temporary employees who would have normally converted to permanent status under legislative enactment in the 1973 session of the General Court will be allowed to be extended only to September 10, 1973, out of funds appropriated for their employment unless otherwise authorized by the Governor or his designee."

The first part of the above order pertaining to new permanent and new temporary classified personnel was extended to April 1, 1974, by successive Executive Orders. The second part relating to the conversion of existing temporary employees to permanent status was revoked by Executive Order 73-28 (December 21, 1973) which provided that such employees were authorized to be converted to permanent status effective retroactively to July 1, 1973.

(2) No. 73-15 issued July 16, 1973 which provided that because of the energy crisis and the need to operate the State government as economically and as efficiently as possible a "ban was ordered . . . on the purchase of all automobiles for State use until September 17th 1973. . . . Exceptions to the ban may be made by the Governor upon written request from an agency head stating the reason why an exception should be made." On December 21, 1973, (Executive Order 73-29) this order was amended to provide: "No State department or agency shall purchase a new motor vehicle without the approval of the Governor's Inter-Office Motor Vehicle Committee," a committee composed of certain department heads and a representa-

tive of the Executive office. The order was to remain in effect until terminated by the Governor.

(3) No. 73-16 issued August 14, 1973 read in part as follows: “. . . [I]t is hereby ordered and promulgated that effective this date no transfers or promotions of State employees having a labor grade of 17 or higher shall be made between any department, agency, board, or commission without the prior approval of the Governor . . . All requested transfers or promotions shall be certified to the Governor pursuant to this executive order by the appropriate department, agency or commission head.” All of the above orders were issued by the Governor “by virtue of the authority vested in me under New Hampshire Constitution, Part 2, Article 41 as the supreme executive magistrate of the State.”

The plaintiffs in their several capacities have sufficient right and interest in the “performance by public officers of their public duties” and in “the preservation of an orderly and lawful government” to entitle them to maintain these proceedings. *N. H. &c. Beverage Ass’n v. Commission* 100 N. H.. 5, 6, 116 A.2d 885, 886 (1955). Their petition for declaratory judgment is a particularly appropriate action when the parties desire and the public need requires a speedy determination of the important issues in controversy. *Chronicle &c. Pub. Co. v. Attorney General*, 94 N. H. 148, 150, 48 A.2d 478, 479 (1946); *Austin v. State Tax Comm’n*, 114 N. H. (decided this day).

Their solution involves an interpretation of our State constitution and of statutes relative to the executive and legislative branches of our government. This is a traditional function conferred on the judiciary for which it is responsible. It is not within the competence of the other two branches and consequently does not fall within the bar against confiding political questions to the courts. N.H. CONST. pt. I, art. 37, pt. II, art. 72-a *Cloutier v. State Milk Control Board*, 92 N.H. 199, 201-02, 28 A.2d 554, 556 (1942); see *Powell v. McCormack*, 395 U.S. 486, 23 L. Ed. 2d 481, 89 S. Ct. 1944 (1969). Nor does this petition violate the doctrine of sovereign immunity as it is not an action against the State but rather a proceeding to prevent the Governor from enforcing Executive orders which are claimed to be beyond his powers to promulgate. *Conway v. Water Resources Board*, 89 N.H. 346, 348, 199 A. 83, 86 (1938); see *Fortin v. Morton*, 101 N.H. 477, 147 A.2d 644 (1958).

Even though part of Executive Order No. 73-14 has been revoked we hold that the petition should not be dismissed for mootness as we believe justice requires that the matters in issue be decided so that all officials concerned "may know where they stand." *Sugar Hill Improvement Ass'n v. Lisbon*, 104 N.H. 40, 42, 178 A.2d 512, 513-14 (1962). The defense of laches does not prevent the maintaining of this petition as it deals with appropriations separate and distinct from those in effect when inaction on the part of the plaintiffs is alleged. No prejudicial delay appears in regard to the present appropriations and Executive Orders pertaining thereto.

The legislature exercises one of the three "essential powers" of our government. N.H. CONST. pt. I, art. 37. The General Court composed of the senate and the house of representatives is invested with the "supreme legislative power" within this State. N.H. CONST. pt. II, art. 2. It has the power to make laws; to name all civil officers (with exceptions not material in this case) and to define their duties and powers; to assess taxes to raise revenue for the operation of the government of the State and to make appropriations for that purpose. *Id.* arts. 5, 18. No moneys are to be issued out of the treasury of the State unless "there be an appropriation, or equivalent direction for payment, by the Legislature." *State v. Kimball*, 96 N.H. 377, 380, 77 A.2d 115, 119 (1950); RSA 6:10 (Supp. 1973).

Under these powers the General Court has created State departments and assigned broad powers and duties to the heads of these executive departments. *E.g.*, RSA ch. 8; RSA ch. 8-B; RSA ch. 8-C; RSA ch. 12; RSA ch. 106-A; RSA ch. 126-A. The General Court has also established a "Unified Personnel System For The State" which provides for the recruitment, appointment, compensation, promotion, transfer, layoff, removal, and discipline of State employees. R. L. ch. 27-B. This system has been expanded and revised to meet changing conditions. RSA chs. 98, 98-A, 98-B, 98-C, 98-D, 99 (Supp. 1973). RSA 98:1 provides as follows: "Neither the governor nor council shall be required to approve the employment, or salary, of any employee within the state classified service, except as such approval may be specifically required by law."

The legislature has established the procedure to be followed in establishing budgets and making appropriations for all State departments. RSA ch. 9. Unlike any previous budget,



those for fiscal years 1974 and 1975 with which we are concerned in these proceedings were prepared in a "program appropriation unit format" (PAU) as required by RSA 9:8-a (Supp. 1973). This method requires the submission by the departments of new information such as "program descriptions of activities, workload, output, and improved financial data." Budget Manual, Fiscal Years 1974-1975, p. 1. The department administrators must submit to the Governor and to the legislative appropriations committees PAU forms showing how they intend to spend the funds requested whether for existing programs, their expansion, new programs, additional personnel, new automobiles, supplies, travel and other specified items. In the case of a request for new positions, the PAU form must show why they are needed, what they will accomplish, when the hirings will take place, and the classification and salary of the employees.

This new approach called for legislative judgments regarding the scope and value of individual budget requests. The records of the legislative committee hearings both in the house and then in the senate reveal searching inquiries into the details of the spending items sought by the various departments. The appropriations committees were thus in a position to make a legislative determination whether or not a program should be inaugurated, continued, expanded, or discontinued, or a contrary judgment. Appropriations for the programs and their cost in personnel, equipment, travel and other expenses, some of which were later the subject of the Executive Orders in question, were incorporated in House bill 888. This bill was considered by the body of the house and adopted, sent to the senate and amended, sent to a conference committee of the two bodies, adopted by both, and approved by the Governor as Laws 1973, ch. 376.

The role of the General Court in regard to these appropriations is not then at an end. RSA 9:13-27 (Supp. 1973) provide means by which the expenditure of these appropriations can be monitored by that body through designated agencies and officers. The appropriations are to be made available for expenditure by each department on July 1, 1973. §10. "No State official, commissioner, trustee, or other person having control of public funds appropriated by the general court shall use any part of such funds for any other purpose than that for which they were

appropriated, or expend any money . . . in excess of the amount voted by the legislature." §19. A fiscal committee of the legislature and the office of legislative budget assistant have been established to supervise fiscal matters during the legislative session and the interim between sessions. RSA 14:30, 30-a. They can conduct post-audits of department accounts and undertake research and investigation and make analyses in regard to financial matters. RSA 14:31. It is clear from the foregoing that the power of the General Court to make appropriations for State departments and to monitor their expenditure is an established legislative function under the constitution and statutes.

Prior to its amendment in 1966, article 41 of the State constitution which relates to executive powers of the Governor reads as follows: "There shall be a supreme executive magistrate who shall be styled the Governor of the State of New Hampshire, and whose title shall be His Excellency." The 1966 amendment added in pertinent part the following: "The executive power of the state is vested in the governor. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state."

This amendment was proposed and adopted for submission to the voters by a constitutional convention held in 1964. The journal recording those proceedings is illuminating on whether it was intended to endow the Governor with the power and duty to interpose himself in the expenditure of the legislative appropriations by the departments of the State. As originally proposed to the convention the amendment would have contained the following sentence: "Each principal executive department shall be under the supervision of the Governor." A motion to strike out this sentence was made and in the debate which followed the sponsor of the motion argued that if the sentence stayed in "the Governor will have the power to tell us [department heads] who to hire and who to fire. You cannot run a department on that basis." N.H.J. of Const. Conv. 289 (1964). Another delegate stated "it was not the intent of the Committee in any way whatsoever to give the governor

authority to set policy or to interfere in any way with those commissioners who are properly doing their job." *Id.* at 290. The amendment proposed was approved, the sentence in question was stricken and the amended resolution was approved by the convention and later adopted by the voters in its present form. *Id.* at 292. This legislative history leads to the conclusion that the Executive Orders in question were not authorized by article 41, part II of our constitution as they have the effect which the framers of the amendment expressly rejected. The language of pt. II, art. 41 as amended states clearly when and how the Governor can exercise the powers it granted and there is no claim that the Executive Orders were occasioned by any failure in "the faithful execution of the laws".

Insofar as these Executive Orders purport to prevent the expenditure of appropriations made for the hiring of new personnel or the purchase of automobiles they would have the effect of a line item veto. A resolution proposing a constitutional amendment authorizing the Governor "to strike out or reduce items in an appropriation" while approving others failed to be adopted by the convention. N.H.J. Const. Conv. 105 (1964). If such power were to be given to the Governor his veto could be overruled by the legislature in the usual manner. If constitutionally authorized these Executive Orders would have a more drastic effect than a line item veto because there is no established means by which the legislature could nullify them.

Prior to 1957, R.L. 23:10 and 11 provided that appropriations should not be available for expenditure by any department until quarterly allotments had been approved by the Governor. The General Court, however, removed this power from the Governor in 1957 (Laws 1957, 112:1) and made the appropriations available on July 1, to be expended over the fiscal year as the department heads deemed necessary for the proper operation of their departments. RSA 9:10.

The legislature has authorized the intervention of the Governor in the process of the expenditure of appropriations by the State departments in limited specific instances. RSA 9:11 provides that if a monthly report of the director of the division of accounts indicates that a department is spending at a rate which will deplete its appropriation before the end of the fiscal year a report is to be made to the Governor who may after

investigation order the department head to reduce expenditures. It is not sought to sustain these Executive Orders under this provision. RSA 9:12 which gives the Governor the authority to investigate the management of State funds by departments and "within the scope of the powers possessed by him" to order action to bring about increased economy and efficiency cannot be interpreted to confer additional powers beyond those already possessed under other grants of authority.

RSA 9:13-c provides that if the director of accounts should determine that during three consecutive months there has occurred such a decline in State revenues as would, if continued, cause a serious deficit in the total budget, he is to report this fact to the Governor. "On receipt of such report the governor may, with the advice and consent of the advisory budget control committee, order reductions in rates of expenditures within all or any departments of state government, so that such decline in revenue will not result in the incurrence of further state debt." There is no claim of reliance on this authority.

We find no constitutional or statutory authority granted to the Governor to support the Executive Orders in question since they contravene the legislative intent expressed by the appropriations made by Laws 1973, ch. 376 for the hiring of new personnel and the purchase of automobiles. We hold them invalid. Insofar as the Executive Orders relate to the classified personnel of the State they contravene the powers of the legislature granted by the constitution and exercised by enactments in chapters 98, 98-A, 98-B, 98-C, 98-D and 99 of the Revised Statutes Annotated. We hold that the Executive Orders relating thereto are beyond the powers of the Governor and are invalid.

Although plaintiffs' petition seeks an order enjoining the Governor from enforcing these Executive Orders, we do not recommend or issue such an injunction. *See Tirrell v. Johnston*, 86 N.H. 530, 532, 171 A. 641, 642 (1934).

*Petition for declaratory judgment granted.*

All concurred.

## COMMITTEE REPORTS

### HB 12

conforming tax commission references in the current use taxation law to the revised revenue administration laws. Ought

to pass. Rep. Shea for Executive Departments and Administration.

A housekeeping bill dovetailing the current use bill (HB 307) with the Revenue Administration bill (HB 818) both passed last session.

Ordered to third reading.

#### **HB 25**

changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire. Ought to pass. Rep. Shea for Executive Departments and Administration.

Continues study commission to report January 1, 1975.

Ordered to third reading.

#### **HB 14**

revising the management-employee relations law for state employment. Refer to Interim Study Committee on "Collective Bargaining."

Bill referred to interim study committee on "Collective Bargaining." Rep. Simard for Labor, Human Resources and Rehabilitation.

Referred to Interim Study Committee on "Collective Bargaining."

#### **HB 13**

repealing the termination date of RSA 357-B. Ought to pass. Rep. Hamel for Transportation.

Removes the expiration date of June 30, 1975 from the so-called "Auto Dealers Bill of Rights" law which we passed at the end of the 1973 session.

At the request of Rep. Chandler, Rep. Hamel explained the bill.

Ordered to third reading.

#### **HB 26**

relative to guaranteeing a minimum adequate income for the elderly, blind and disabled, and making an appropriation therefor. Refer to a Joint Study Committee on Labor, Human Resources and Rehabilitation and Public Health and Welfare

comprising three members from each committee to report by January, 1975. Rep. Elliott A. Stevens for Labor, Human Resources and Rehabilitation.

Poorly prepared legislation. Purpose good — should not be forgotten — Operational mechanics must be drawn.

Referred to a Joint Study Committee on Labor, Human Resources and Rehabilitation and Public Health and Welfare comprising three members from each committee to report by January, 1975.

## HB 29

relative to tuition payments for the definitions of handicapped persons under the age of twenty-one and amending the appropriation for same and educational expenses in public institutions. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

Amend the bill by striking out all after section 5 of same and inserting in place thereof the following:

6 Miscellaneous Expenses of Inmates and Patients. Amend RSA 8:44, I, as amended, by striking out said paragraph and inserting in place thereof the following:

I. The director of mental health shall determine for any patient or inmate of the New Hampshire Hospital a uniform monthly rate to cover the expenses of the several categories of service provided to patients or inmates such as, but not necessarily limited to the following: intensive medical care, treatment and maintenance; intensive psychiatric care, treatment and maintenance; and custodial care, treatment and maintenance. The categories or classifications of service provided may be

modified from time to time as determined by the director of mental health.

### 7 Effective Date.

I. Sections 1, 2, 3 and 4 of this act shall take effect upon passage.

II. Sections 5 and 6 of this act shall take effect July 1, 1974.

Amendment adopted.

Ordered to third reading.

## HB 2

making appropriations for capital improvements. Ought to pass with amendment. Rep. Arthur F. Mann for Public Works.

No analysis on this bill.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General	
Concrete floor — Manchester Armory	\$50,000
II. Administration and Control	
(a) Restore and refurbish legislative chambers and 3rd floor of state house	\$160,000*
(b) Refurbish exterior of state house	80,000
(c) Renovate first floor toilets	30,000
(d) Clean and paint exterior-state library	50,000
(e) Renovations to Purchase and Property Warehouse	68,000
Total Paragraph II	<hr/> 388,000

\*The projects for which these appropriations are made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the Speaker of the House and President of the Senate jointly. No part of this appropriation shall be expended for the Senate Chamber proper.

## III. Aeronautics Commission

(a) Nashua — Land for ILS	\$240,000	
Less Federal	180,000	
Net Appropriation		60,000
(b) Lebanon — Taxiway	\$112,000	
Less Federal	84,000	
Net Appropriation		28,000
Total Paragraph III		88,000

## IV. Education — New Hampshire Vocational-Technical Colleges

(a) Nashua		
Automotive building — Design, engineering, and working drawings to be ready for 1975 Legislative Session		\$45,000
(b) Claremont		
Allied health science building — Design, engineering, and working drawings to be ready for 1975 Legislative Session		75,000
(c) Laconia		
New equipment-graphic arts presses and flame propagation chamber		89,900
(d) Berlin		
Automotive shop addition		143,000
(e) Manchester		
Library extension		225,000
Total Paragraph IV		577,900

## V. Health &amp; Welfare

(a) Office building — phase II — Design, engineering, and working drawings to be ready for 1975 Legislative Session		\$655,000
(b) N. H. Home for the Elderly (Glenclyff) — Laundry		83,600
(c) N. H. Hospital		
(1) Reline fuel oil tanks	\$18,000	
(2) Equipment for main building kitchen	25,000	
(3) Plumbing, renovation, etc. in south side main building	69,000	
(4) Plumbing, renovation, etc. in north side main building	86,000	



(5) Dolloff building — renovate to life safety code, etc.	80,500	
(6) Reconstruction and renovation of Tobey, Thayer, Brown, and Walker buildings —		
A. Design and engineering all four buildings	328,000	
B. Reconstruction and renovation of Tobey building complete:		
Construction	823,400	
Contingencies	123,500	
Equipment	40,000	
		<hr/>
Total Subparagraph (c)		1,593,400
(d) Laconia State School and Training Center		
(1) Laundry equipment	\$55,000	
(2) Dairy barn conversion	30,000	
(3) Sewer line connection	15,000	
(4) Renovate electrical entrance and outside wiring phase I	132,000	
		<hr/>
Total Subparagraph (d)		232,000
		<hr/>
Total Paragraph V		2,564,000
VI. New Hampshire Youth Development Center — one residential center to be constructed within the city of Manchester	125,000	
Spaulding Cottage renovation	55,000	
Total Paragraph VI	180,000	
VII. Liquor Commission		
Addition to Portsmouth store No. 38	345,000	
VIII. Department of Resources and Economic Development		
(a) Relocation and reconstruction of forestry nursery administration building, laboratory, Bear Brook central warehouse, and shop area.	\$65,000	
(b) Division of Resources Development		
(1) Land Acquisition		
A. Bear Brook — Inholdings		
200 acres, more or less	40,000	
B. Bear Brook — Additional land, 700 acres, more or less	140,000	
Total subparagraph (b)		180,000

(c) Division of Parks		
(1) Land acquisition		
Trail acquisition, ease- ments, rights of way, etc (AMC Trails)	80,000	
(2) Engineering and construction		
A. Bear Brook — new water supply	49,000	
B. Franconia — phase II snowmaking, novice slope development	95,000	
C. Greenfield — construct shower building and ex- pand parking and picnic- ing area	56,000	
D. Odiorne Point — site improvement at Frost Point	25,000	
E. Pawtuckaway — sewage dumping station and beach expansion	40,000	
Total Subparagraph (c) (2)	\$265,000	
Less federal assistance	61,480	203,520
<hr/>		
(d) Capital projects — utility construction — 5 year bonds		
(1) Franconia Notch State Park — tram overhaul	\$180,000	
Total Paragraph VIII		708,520
IX. Department of Safety		
(a) Office building		
Plans and engineering only including parking layout and drawings		\$250,000
(b) Safety services		
Boat house — rebuild and expand		35,000
(c) State police		
Renovate radio station and building		8,000
Total Paragraph IX		293,000
X. Veteran's Home		
Nursing care unit	\$2,337,500	
Less federal funds	1,519,375	
Net state appropriations Paragraph X		818,125
XI. State Prison		
Improvements and repairs as follows: replacing windows		

(main cell block), renovate heating (main cell block), new roofs on hospital and old boiler rooms, No. 1 boiler conversion burner, toilets for annex, renovate annex, maximum security cells in old hospital area	275,900
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XII. Water Resources Board — Repairs, reconstruction and rebuilding of dams.

(a) Union Meadows	\$43,320
(b) Kingswood Lake	53,420
(c) Glen Lake	151,620
(d) Howe Reservoir	29,640
(e) Winnisquam Lake	114,000

Total Paragraph XII	392,000
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XIII. Water Supply and Pollution Control Commission

Regional waste treatment plant Winnepesaukee River Basin	\$20,086,000
Less federal funds	15,064,500
Less local funds	1,004,300

Net state appropriation Paragraph XIII	4,017,200
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XIV. Public Works and Highway, Department of

Contractual maintenance projects:  
5 year bonds  
New Hampshire Hospital  
Concord, N. H.

(a) Overhauling elevators	\$40,000
(b) Reinsulate warehouse freezer	12,000

Total Paragraph XIV	52,000
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Total state appropriation Section 1	\$10,749,645
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2 Appropriation, University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the University of New Hampshire system:

I. Merrimack Valley Branch

(a) Development of outside utilities	\$3,750,000
(b) Construction of first building	1,668,000

(c) Design and working drawings of second building	175,000	
Total Paragraph I		\$5,593,000
II. Keene Campus Renovation of former Elliot Hospital		700,000*
III. Plymouth Campus New academic buildings complete		4,000,000
IV. Durham Campus Complete renovation of James, Morrill, Murkland, and Kingsbury Halls to conform with N. H. Life Safety Code		486,000**
V. All Campuses Phase I of installation of fire detection systems in various buildings to comply with N. H. Life Safety Code		82,000**
VI. Snively Arena — Fire doors, safety lights and devices to meet Life Safety Code		18,000
Total state appropriation Section 2		\$10,879,000

\*These funds shall not be transferred or used for any other purposes and is the total amount to be appropriated and/or expended for all renovation or conversion of the Elliott property to university use.

\*\*These funds shall not be transferred or used for any other purposes.

3 Appropriation; Self-Liquidating. The sum of two million one hundred eighty-three thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing and dining facilities and utilities at the University of New Hampshire as follows:

Durham campus Dormitory	2,183,000
Total section 3	2,183,000

4 Expenditures, General. The appropriation made for the purposes mentioned in sections 1 and 13, and the sums available for those projects, shall be expended by the trustees, com-

mission, commissioner, or department head of the institutions and department referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

#### 5 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the

university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is a variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 13, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of twenty-three million eight hundred eleven thousand six hundred forty-five dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph VIII (d) and paragraph XIV of this act, shall have a maturity date of five years from date of issue, and provided further that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3 and 13 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2 and 3 hereof.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 13 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the same amount.

11 Transfers. The individual project appropriations, as provided in sections 1, 2, 3 and 13 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

12 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3 and 13 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Water Resources Board Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, for capital improvements and long-term repairs thereto, to the water resources board:

I. Baker River Watershed Project	
Sites 6-A, 7, and 11-A	\$2,850,350
Less federal funds	2,158,575
Less other funds	81,000
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Net state appropriation paragraph I	\$610,775
II. Cold River Watershed Project	
Site 6 (jointly with state of Me.)	345,700

Less other funds	34,000
Less federal funds	296,000
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Net state appropriation paragraph II	15,700
III. Souhegan River Watershed — Site No. 33	2,500
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Total state appropriation section 13	\$628,975
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14 Bonds Authorized. To provide funds for the total of the appropriations made of state funds in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of six hundred twenty-eight thousand nine hundred seventy-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Appropriation Extension. The appropriation made to the water resources board by 1971, 559, X, for the specified capital expenditures shall be available for expenditure until July 1, 1977.

16 Certain Parks Appropriations of 1971 Extended. The following appropriations to the division of parks, for the specified capital improvements, shall be available for expenditure until July 1, 1976:

I. 1971, 559:1, VII, (1), (a), (i), Franconia Notch State Park, tramway cable.

II. 1971, 559:1, VII, (1), (b), Berlin wayside and recreation area.

III. 1971, 559:1, VII, (1), (g), dredging and improvements of Hampton Harbor.

17 Appropriation for Hooksett Liquor Store Extended. Amend 1972, 42 by inserting after section 4 the following new section:

42:4-a Appropriation Extended. Notwithstanding any other statute to the contrary the appropriation made by this act shall be available for expenditure up to July 1, 1976.

18 Aeronautics Commission. Amend the footnote in Laws of 1969, 504:1, III, as amended by Laws of 1972, 63:3, by add-



ing to the footnote the following new paragraph (The provisions within this footnote which appear prior to this insertion shall not apply to paragraphs III, (b) and (d), but said appropriations shall be matched with any applicable federal funds and shall, notwithstanding the provisions of RSA 9:18, not lapse until June 30, 1974.)

19 Angle Pond Appropriation Increased. Amend Laws of 1969, 489:3, by striking out said section and inserting in place thereof the following:

489:3 Expenditure Authorized. The water resources board is hereby authorized to expend a sum of money not to exceed thirty thousand dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

20 Pisgah Road Appropriation Reduced and Extended. Amend Laws of 1971, 559:1, VII, (1), (e), by striking out the same and inserting in place thereof the following:

(e) Pisgah Road Improvements	\$102,500
Less federal funds	40,000
Total	<hr/> \$62,500*

\*Within this appropriation the sum of \$22,500 provides for nonfederal BOR participation projects. This appropriation shall not lapse until June 30, 1976.

21 Reducing the Appropriation for the Soldiers' Home. Amend Laws of 1971, 559:1, VIII, by striking out said paragraph and inserting in place thereof the following:

#### VIII. Soldiers' Home

Engineering services — renovations	2,000
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22 Reducing the 1971 Capital Budget Bonding. Amend Laws of 1971, 559:8, as amended, by striking out said section and inserting in place thereof the following:

559:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3 and 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the

state not exceeding the sum of eleven million four hundred one thousand one hundred sixty-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

23 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

## HB 5

establishing an emergency energy authority and making an appropriation therefor. Ought to pass with amendment. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Strikes out original HB 5 including the title and appropriation. Updates the 1923 RSA 339:39 to include emergency regulation of the use of electric power in the duties of the "fuel administrator," newly entitled the "energy administrator." His powers do *not* include control of production, siting, eminent domain, local ordinances, or transfer of funds or personnel. Rules and regulations made by the energy administrator may be modified or rescinded by the Governor and Council. A process of appeal to the Superior Court has been added as RSA 339:43.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

relative to the office of energy administrator.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appointment of Administrator. Amend RSA 339:39 by inserting in line three after the word "fuel" the following (or electrical energy) and by striking out in line four the words "a fuel" and inserting in place thereof the following (an energy) so that said section as amended shall read as follows:

339:39 Appointment; Tenure. If at any time the governor and council shall determine that an emergency exists requiring public regulation of the supply and sale of fuel or electrical energy for any purpose, the governor, with the advice and consent of the council, may appoint an energy administrator, who shall hold office until the governor and council shall determine that the emergency has ceased to exist.

2 Regulations of Administrator. Amend RSA 339:40 by striking out said section and inserting in place thereof the following:

339:40 Regulations. The energy administrator shall have authority to make such rules and regulations with respect to the sale, distribution and use of fuel and electrical energy, including the fixing of prices and standards, as the public good may require.

3 Investigations. Amend RSA 339:41 by inserting in line three after the word "fuel" the following (or electrical energy) so that said section as amended shall read as follows:

339:41 Investigations. He shall have authority to compel the attendance of witnesses and the production of documents, may examine the books and papers of producers of or dealers in fuel or electrical energy and may compel the cooperation of all officers, boards, commissions and departments of the state having information that may assist him in making investigations in the discharge of his duties.

4 Appeal to Courts. Amend RSA 339:43 by striking out said section and inserting in place thereof the following:

339:43 Appeal. The governor and council, on appeal by any interested party, may modify or rescind any rule or regulation made by the energy administrator. Any person who shall be injured in fact by any rule, regulation, or ruling of the energy administrator which shall be sustained by the governor and council may appeal to the superior court of the county in which such person resides or does business. The superior court shall conduct a hearing de novo on the validity of such rule, regulation or ruling.

5 Penalty. Amend RSA 339:44 (supp), as amended, by striking out in line three the word "fuel" and inserting in place thereof the following (energy) so that said section as amended shall read as follows:

339:44 Penalty. Any person who shall knowingly violate any provision of this or the preceding subdivision, or shall fail to comply with any rule or regulation of the energy administrator issued in accordance herewith, shall be guilty of a misdemeanor if a natural person, or shall be guilty of a felony if any other person.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. McLane explained the bill.

(discussion)

Rep. Daniell offered an amendment and spoke in favor of his amendment.

#### AMENDMENT

Amend the amendment by striking out section 6 of the bill and inserting in place thereof the following:

6 Additional Duties of the Administrator. Amend RSA 339 by inserting after section 41 the following new sections:

339:41-a Antitrust Legal Action. The energy administrator shall cooperate fully with all states, in particular Michigan and Connecticut, in taking legal action against any of the national oil companies doing business in this state for violation of the federal and state antitrust laws. He shall assist to whatever extent possible the attorneys representing such states in furnishing them with information pertaining to the oil industry of this state which might be helpful to their legal actions.

With the consent of the governor and council, he is authorized to retain legal counsel to have this state join with other states or take action on its own under the antitrust laws of the state or nation.

339:41-b Protection of Retail Dealers; Report. The energy administrator shall further be responsible for developing protective measures and general assistance for the defense of the rights of New Hampshire gasoline station operators and retail fuel oil distributors from their suppliers.

Within thirty days of the convening of any regular or special session of the legislature, he shall issue a report with

his recommendations for changes or additions to the state laws for the purpose of accomplishing the objectives of this statute.

7 Appropriation. There is hereby appropriated for the biennium ending June 30, 1975 the sum of fifty thousand dollars to be expended by the fuel administrator to carry out the objectives and purposes of RSA 339:39 through 44. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

Rep. McLane spoke in favor of the Daniell amendment.

Rep. Gallen non-spoke in favor of the Daniell amendment.

Reps. Coutermarsh and Sununu spoke in favor of the bill.

Daniell amendment adopted.

Referred to Appropriations.

## HB 24

permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; and exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act. Ought to pass with amendment. Rep. Hamel for Transportation.

This bill (1) allows decals on *all* types of motor vehicles and boat plates (2) clarifies the law to allow lower speed limits during a national emergency but requires review each year (3) modifies administrative procedures act: a) to exempt Department of Public Works and Highways only concerning highway signs, road markings, driveway permits, etc. b) relieves Fish and Game from necessity of spending over \$80,000 to publish their regulations in a newspaper under this law.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

Amend RSA 262:1-a as inserted by section 4 of the bill, by striking out in line fifteen the words "director of motor vehicles" and inserting in place thereof the following (commissioner of safety), so that said section as amended shall read as follows:

262:1-a Traffic Safety Fund. The proceeds from original license fees as provided in RSA 262:11 and the special fees for initial number plates collected in accordance with RSA 260:10-a, and number plates for citizens' band operators in accordance with RSA 260:11-b, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. No portion of such funds shall lapse nor be used for any other purposes, nor be transferred to any other appropriation. After all costs of administration of the program each year of the biennium have been reserved, the remaining balance shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall promulgate and publish rules and regulations governing the courses of instruction and training and determining eligibility of secondary schools to receive monies from the fund established by this section.

Amend RSA 262-A:56, III, as inserted by section 9 of the bill, by striking out in line five the word (twenty-four) and inserting in place thereof the following (twelve), so that said paragraph as amended shall read as follows:

III. The commissioner shall keep and maintain a full and complete record of all temporary speed zones established pursuant to paragraph II and all alterations, amendments or removal thereof. Such temporary speed limits shall remain in effect until rescinded by the governor and council, or twelve months from the effective date of establishment, whichever occurs first. Said temporary speed limits may be reimposed, with or without lapse, as hereinbefore provided.

Amend section 11 of the bill by striking out said section and inserting in place thereof the following:

11 Replacement Plates. Amend RSA 260 by inserting after section 9 the following new section:

260:9-a Replacement of Motor Vehicle Plates. In the event the director of motor vehicles issues changeable effective date designations, and the number plates previously issued to the registered owner, including initial number plates and other special plates, have become damaged, mutilated, illegible or one plate has been lost, said registered owner may apply in writing to the director for replacement plates alleging that said plates are damaged, mutilated, illegible or one plate has been lost and if the director finds that the allegation is true, the director shall issue without charge two replacement plates. An application for replacement plates shall be considered only once each registration year and only during the period of years that changeable date designations are utilized, in all other cases plate replacement shall be made pursuant to RSA 263-4.

Amend RSA 541-A:10 as inserted by section 12 of the bill by striking out paragraph VI and inserting in place thereof the following:

VI. RSA 249:13 relative to excavation permits.

VII. RSA 249:17 relative to driveway permits.

VIII. RSA 254:3 relative to licensing utility poles and appurtenances with public highways.

Amend the bill by striking out section 13 of same and inserting in place thereof the following:

13 Exempting Fish and Game Department from Procedural Requirements of RSA Title XVIII. Notwithstanding any other provisions of RSA Title XVIII, such rules and regula-

tions as the department is required to adopt in order to be not in violation of RSA 541-A may be adopted until June 30, 1975, and take effect in accordance with no other statutes than RSA 541-A:3 and 4, provided, however, the effective date shall be the twentieth day after it has been filed in accordance with RSA 541-A:4, I, or such later date as the rule or regulation specified. This section shall not be deemed to nullify the provisions of and effect of the laws of 1973, 507:4.

#### 14 Effective Date.

I. Sections 1, 2, 3 and 4 of this act shall take effect on April 1, 1975.

II. Sections 5, 6, 7, 8 and 11 of this act shall take effect on January 1, 1975.

III. Sections 9, 10, 12 and 13 of this act shall take effect on passage.

At the request of Rep. Richard L. Bradley, Rep. Hamel answered questions.

Amendment adopted.

Rep. James W. Murray moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Hamel and Curran spoke against the motion.

Rep. Richard L. Bradley spoke in favor of the motion.

Rep. Gerry F. Parker moved that HB 24 be recommitted to the committee on Transportation.

Rep. Hamel spoke against the motion.

Rep. Horan spoke in favor of the motion.

Motion to recommit lost.

Rep. James W. Murray moved that HB 24 be divided into 4 sections as follows: 1 through 8, first section; 9 through 11, second section; 12 third section and 13 fourth section.

Rep. Parker spoke in favor of the motion.

Rep. Murray subsequently withdrew his motion to divide.



The question now being on the motion to substitute, inexpedient to legislate, for the committee report, ought to pass with amendment.

Rep. Parker requested a division.

111 members having voted in the affirmative and 128 in the negative, the motion failed.

Ordered to third reading.

## HB 27

relative to carrying a loaded pistol on an OHRV, as defined in RSA 269-C. Ought to pass with amendment. Rep. Hamel for Transportation.

The bill as amended does the following to the off highway vehicle law (HB 10 of the 1973 Session): (1) clarifies the definition of an off highway recreational vehicle so that they do not come under the law when used for transportation only (2) defines limited and controlled access highways more clearly (3) removes the words "and in a case or holster" from the OHRV law (RSA 269-C:15).

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### An Act

relative to amending certain provisions of the Off Highway Recreational Vehicle Law, RSA 269-C.

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Off Highway Recreational Vehicle Defined. Amend RSA 269-C:1, VI, (supp) as inserted by 1973, 560:1, by inserting in line seven after the word "definition" the following (provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes.), so that said paragraph as amended shall read as follows:

VI. "Off Highway Recreational Vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or

cushion or air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV.

2 Limitations of OHRV Use on Public Highways. Amend RSA 269-C:7, I and 11 (supp), as inserted by 1973, 560:1, by striking out said paragraphs and inserting in place thereof the following:

I. During the period beginning one-half hour before sunrise and ending one-half hour after sunset a person may operate a snow traveling vehicle on the rights of way, exclusive of traveled portions, sidewalks and plowed snowbanks, of public highways other than interstate highways, toll roads, or limited access highways except those limited access highways designated as controlled access highways by the commissioner of the department of public works and highways.

II. Highway crossings for established OHRV trails may be granted by written permission from the commissioner of the department of public works and highways or his representative. No direct crossings of interstate highways or toll roads will be permitted. No direct crossings of limited access highways, except those designated as controlled access highways by the commissioner of the department of public works and highways will be permitted. The commissioner of the department of public works and highways may issue written permission for OHRV trail crossings either under or over interstate toll or limited access highways. The policy governing such OHRV trail crossings and OHRV trail crossings on class I, class II, class III and limited access highways designated as controlled access highways by the commissioner of the department of public works and highways, shall be as determined by the commissioner of public works and highways.

3 Loaded Firearms Forbidden with Certain Exceptions. Amend RSA 269-C:15 (supp), as inserted by 1973, 560:1, by

striking out said section and inserting in place thereof the following:

269-C:15 Loaded Firearms Forbidden. No person shall carry on an OHRV, or a trailer towed by same, any firearms unless said firearms is unloaded. This section shall not apply to law enforcement officers carrying firearms in the course of duty. Loaded firearms carried under permits issued under RSA 159 are included in the above regulation.

4 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Read, Rep. Hamel answered questions.

Rep. Hamel yielded to Rep. French to answer questions.

(discussion)

Amendment adopted.

Reps. Gorman and Chase offered an amendment.

#### AMENDMENT

Amend RSA 269-C:15 as inserted by section 3 of the bill by striking out said section and inserting in place thereof the following:

269-C:15 Loaded Firearms Forbidden. No person shall carry on an OHRV, or a trailer towed by same, any firearms unless said firearm is unloaded. This section shall not apply to law enforcement officers carrying firearms in the course of duty or to pistols carried under a permit issued pursuant to the authority of RSA 159.

The clerk read the amendment in full.

Reps. Gorman, Chase, Laurent J. Boucher, George E. Gordon and Erler spoke in favor of the amendment.

(discussion)

Reps. French and D'Amante spoke against the amendment.

Reps. Pryor, Oleson, Burrows, Splaine, Hood, Maguire,

Allen, Metcalf and Donnelly non-spoke in favor of the amendment.

Ordered to third reading.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative the Gorman and Chase amendment was adopted.

### REREFERRAL

The Speaker rereferred HCR 4, relative to a new point rule No. 32, to the Committee on Joint Rules.

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The Speaker announced that today Rep. Bigelow is celebrating his 62nd birthday and Rep. Alukonis his 39th birthday.

### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading, be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet tomorrow at 10:00 a.m.

Adopted.

### Third reading and final passage

HB 12, conforming tax commission references in the current use taxation law to the revised revenue administration laws.

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

HB 13, repealing the termination date of RSA 357-B.

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

HB 24, permitting the use of changeable effective date

designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

HB 27, relative to amending certain provisions of the Off Highway Recreational Vehicle Law, RSA 269-C.

On motion of Rep. Arthur F. Mann the House adjourned at 1:38 p.m. in honor of Rep. Bigelow's birthday.

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### *Thursday, 7Mar74*

The House met at 10:00 o'clock.

Prayer was offered by Rep. Barrus.

Our God, the God of our fathers, strengthen us to do the work that is before us, guide us in the ways of righteousness and truth; make us responsible to the needs of others, encourage us to remember that when we do what is right, we are doing Thy will.

We pray, our Father, that Thou will be with this House, and that Thy Spirit will be in this chamber and with this State this day and in the days to come. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. David J. Bradley led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Tripp, Grady and Southwick, the day, illness.

Rep. Cary, indefinite, illness.

Reps. Albert C. Jones and Helen F. Wilson, the day, important business.

#### RESOLUTION

Rep. Zachos offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 36 and 37 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 36, permitting the sale of milk in three quart containers. (Rules Committee for Rep. Campbell of Rockingham Dist. 5 — To Environment and Agriculture) .

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking. (Rules Committee for Rep. Parker of Hillsborough Dist. 17 — To Transportation) .

## ENROLLED BILLS REPORT

HB 9, increasing the debt limit for the Londonderry school district.

HB 28, authorizing Franklin Pierce College to grant the degree of juris doctor.

Mabel L. Richardson

*For the Committee*

## COMMITTEE REPORTS

### HB 1

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations. The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal years ending June 30, 1974, and June 30, 1975. Said appropriations are in addition to any other appropriations made for the specified fiscal year for any of said branches or departments.

### ARTICLE I

Energy and inflationary requests exclusive of Public Works and Highways, and Turnpikes

2

#### Administration and control:

##### I Administration and control programs:

##### (a) Buildings and grounds:

(1) General buildings:  
Current expenses

Estimated source of funds for general buildings:

Rental transfers  
General

Total

##### (2) Morton building:

Current expenses

Estimated source of funds for morton building:

Highway

FISCAL 1974

FISCAL 1975

\$ 30,198

\$ 29,422

\$ 8,517

\$ 8,298

21,681

21,124

\$ 30,198

\$ 29,422

\$ 4,984

\$ 9,933

\$ 4,984

\$ 9,933

	FISCAL 197-	FISCAL 1975
2 Administration and control: (continued)		
I Administration and control programs: (continued)		
(a) Buildings and grounds: (continued)		
Total	\$ 35,182	\$ 39,355
Estimated source of funds for buildings and grounds:		
Highway	\$ 4,984	\$ 9,933
Rental transfers	8,517	8,298
General	21,681	21,124
Total	\$ 35,182	\$ 39,355
(b) Purchase and property:		
Current expenses	\$ 1,989	\$ 3,424
Estimated source of funds for purchase and property:		
Rental transfer	\$ 1,989	\$ 3,424
Total	\$ 37,171	\$ 42,779
Estimated source of funds for administration and control programs:		
Highway	\$ 4,984	\$ 9,933
Rental transfers	10,506	11,722
General	21,681	21,124
Total	\$ 37,171	\$ 42,779
3 Centralized automated data processing:		
I Data processing operations:		
Current expenses	\$ 6,475	\$ 8,388
Estimated source of funds for data processing operations:		
General	\$ 6,475	\$ 8,388



	Fiscal 1974	Fiscal 1975
Department of revenue administration:		
I Community services:		
(a) Office of commissioner:		
Current expenses	\$ 6,000	\$ 9,000
Estimated source of funds for office of commissioner:		
General	\$ 6,000	\$ 9,000
(b) Intangible tax:		
Current expenses	\$ --	\$ 1,375
Estimated source of funds for intangible tax:		
General	\$ --	\$ 1,375
(c) Municipal accounting division:		
Current expenses	\$ 100	\$ 250
Travel:		
In state	2,200	2,600
Total	\$ 2,300	\$ 2,850
Estimated source of funds for municipal accounting division		
General	\$ 2,300	\$ 2,850
(d) Real estate and personal property appraisal division:		
Travel:		
In state	\$ 2,000	\$ 4,000
Estimated source of funds for real estate and personal property appraisal division:		
General	\$ 2,000	\$ 4,000
Total	\$ 10,300	\$ 17,225
Estimated source of funds for community services:		
General	\$ 10,300	\$ 17,225

## Department of revenue administration: (continued)

	FISCAL 1974	FISCAL 1975
II Revenue collections:		
(a) Business profits tax:		
Current expenses	\$ 1,100	\$ 5,200
Travel:		
In state	300	600
Total	\$ 1,400	\$ 5,800
Estimated source of funds for business profits tax:		
General	\$ 1,400	\$ 5,800
(b) Inheritance tax:		
Current expenses	\$ 100	\$ 350
Estimated source of funds for inheritance tax:		
General	\$ 100	\$ 350
(c) Meals and rooms:		
Current expenses	\$ 435	\$ 870
Travel:		
In state	600	1,200
Total	\$ 1,035	\$ 2,070
Estimated source of funds for meals and rooms: Transfer from revenue account	\$ 1,035	\$ 2,070
(d) Tobacco tax:		
Current expenses	\$ 150	\$ 300
Travel:		
In state	700	1,400
Total	\$ 850	\$ 1,700
Estimated source of funds for tobacco tax:		
General	\$ 850	\$ 1,700

FISCAL 1974

FISCAL 1975

4 Department of revenue administration: (continued)  
 II Revenue collections: (continued)

Total	\$ 3,385	\$ 9,920
Estimated source of funds for revenue collections:		
Other	\$ 1,035	\$ 2,070
General	2,350	7,850
Total	\$ 3,385	\$ 9,920
Total	\$ 13,685	\$ 27,145
Estimated source of funds for department of revenue administration:		
Other	\$ 1,035	\$ 2,070
General	12,650	25,075
Total	\$ 13,685	\$ 27,145

5 Secretary of State:  
 I Office of the secretary:  
     Current expenses

Estimated source of funds for office of the secretary:	\$ 2,350	\$ 2,500
General	2,350	2,500

6 Board of taxation:  
 Personal services:  
     Other

Estimated source of funds for board of taxation:	\$ 500	\$ 2,500
General	500	2,500

7

Judicial branch:  
 I Supreme court:  
   (a) Administration and legal activities:  
     Current expenses:

	FISCAL 1974	FISCAL 1975
	\$ 1,000	\$ 1,000
Estimated source of funds for supreme court:		
General	\$ 1,000	\$ 1,000
II Superior court:		
Current expenses	\$ 3,000	\$ 3,000
Estimated source of funds for superior court:		
General	\$ 3,000	\$ 3,000
Total	\$ 4,000	\$ 4,000
Estimated source of funds for judicial branch:	\$ 4,000	\$ 4,000
General		

8

Adjutant general's department:  
 I Maintenance of a prepared force:  
   Current expenses

	FISCAL 1974	FISCAL 1975
	\$ 83,500	\$ 86,000
Estimated source of funds for maintenance of a prepared force:		
General	\$ 83,500	\$ 86,000

Agriculture:I Administration and support:

Current expenses

Travel:

In state

Total

	FISCAL 1974	FISCAL 1975
	\$ 40	\$ 119
	56	112
	<u>\$ 96</u>	<u>\$ 231</u>

Estimated source of funds for administration

and support:

General

\$	<u>231</u>
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II Meat inspection:

Travel:

In state

\$	<u>2,084</u>
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Estimated source of funds for meat inspection:

Federal

General

\$	<u>1,042</u>
	<u>521</u>
	<u>1,042</u>

Total

\$	<u>2,084</u>
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III Bureau of weights and measures:

Travel:

In state

\$	<u>3,234</u>
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Estimated source of funds for bureau of

weights and measures:

General

\$	<u>3,234</u>
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IV Bureau of markets:

Current expenses

Travel:

In state

\$	3,250
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	<u>690</u>
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\$	<u>3,940</u>
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Total

\$	<u>1,428</u>
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Estimated source of funds for bureau of

markets:

General

\$	<u>3,940</u>
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\$	<u>1,428</u>
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9 Agriculture: (continued)			
V Division of animal industry:			
Current expenses			
Travel:			
In state	\$ 60		\$ 1,823
	562		1,124
Total	\$ 622		\$ 2,947
Estimated source of funds for division of			
animal industry:			
General	\$ 622		\$ 2,947
VI Agricultural regulation programs:			
(a) Registration of fertilizers and feeds:			
Travel:			
In state	\$ 260		\$ 520
Estimated source of funds for registration			
of fertilizers and feeds:			
General	\$ 260		\$ 520
(b) Pesticide control:			
Current expenses	\$ -		\$ 100
Estimated source of funds for pesticide			
control:			
General	\$ -		\$ 100
Total	\$ 260		\$ 620
Estimated source of funds for agricultural			
regulations programs:			
General	\$ 260		\$ 620

	FISCAL 1974	FISCAL 1975
9 Agriculture: (continued)		
VII Agricultural resources:		
(a) Disease suppression and diagnosis programs:		
Current expenses	\$ 100	\$ 30
Travel:		
In state	208	416
Total	\$ 308	\$ 446
Estimated source of funds for disease suppression and diagnosis programs:		
General	\$ 308	\$ 446
Total for agriculture	\$ 5,373	\$ 13,502
Estimated source of funds for agriculture:		
Federal	\$ 521	\$ 1,042
General	4,852	12,460
Total	\$ 5,373	\$ 13,502

	FISCAL 1974	FISCAL 1975
Attorney General:		
I Legal services to state agencies:		
(a) Administrative		
Current expenses	\$ 3,000	\$ 3,300
Travel:		
In state	400	440
Total	<u>\$ 3,400</u>	<u>\$ 3,740</u>
Estimated source of funds for administrative:		
General	<u>\$ 3,400</u>	<u>\$ 3,740</u>
(b) Charitable Trusts:		
Other personal services		
Other	\$ 150	\$ 165
Travel:		
In state	100	125
Out of state	--	200
Total	<u>\$ 250</u>	<u>\$ 490</u>
Estimated source of funds for charitable trusts:		
General	<u>\$ 250</u>	<u>\$ 490</u>
Total	<u>\$ 3,650</u>	<u>\$ 4,230</u>
Estimated source of funds for legal services to state agencies:		
General	<u>\$ 3,650</u>	<u>\$ 4,230</u>



10

	FISCAL 1974	FISCAL 1975
II		
Division of consumer protection and land sales full disclosure:		
(a) Consumer protection		
Current expenses	\$ 1,300	\$ 1,450
Travel:		
Out of state	100	125
Total	<u>\$ 1,400</u>	<u>\$ 1,575</u>
Estimated source of funds for consumer protection:		
General	<u>\$ 1,400</u>	<u>\$ 1,575</u>
III		
Division of criminal justice:		
Current expenses		
Travel:	\$ 3,000	\$ 3,300
In state	1,000	1,100
Out of state	200	250
Total	<u>\$ 4,200</u>	<u>\$ 4,650</u>
Estimated source of funds for division of criminal justice:		
General	<u>\$ 4,200</u>	<u>\$ 4,650</u>
IV		
Eminent domain and public works and highways		
Current expenses		
Travel:	\$ 1,300	\$ 1,450
Out of state	200	225
Total	<u>\$ 1,500</u>	<u>\$ 1,675</u>
Estimated source of funds for eminent domain and public works and highways		
Highway	<u>\$ 1,500</u>	<u>\$ 1,675</u>

	FISCAL 1974	FISCAL 1975
10		
Total for Attorney General	\$ 10,750	\$ 12,130
Estimated source of funds for attorney general:		
Highway	\$ 1,500	\$ 1,675
General	9,250	10,455
Total	\$ 10,750	\$ 12,130
11		
Civil defense:		
Travel:		
In state	\$ 1,000	\$ 2,000
Estimated source of funds for civil defense:		
Federal	\$ 500	\$ 1,000
General	500	1,000
Total	\$ 1,000	\$ 2,000
12		
Horse racing commission:		
I Racing laboratory:		
Current expenses:	\$ --	\$ 1,655
Estimated source of funds for racing laboratory:		
General	\$ --	\$ 1,655
13		
Department of labor:		
I Inspection division:		
Travel:		
In state	\$ 2,420	\$ 2,000
Estimated source of funds for inspection division:		
General	\$ 2,420	\$ 2,000

	FISCAL 1974	FISCAL 1975
14 Department of safety:		
I Division of state police:		
(a) Communications section:		
Travel:		
In state	\$ 400	\$ 1,185
Estimated source of funds for communications section:		
Highway	\$ 400	\$ 1,185
(b) Detective bureau:		
Travel:		
In state	\$ 3,440	\$ 5,855
Estimated source of funds for detective bureau:		
General	\$ 3,440	\$ 5,855
(c) Traffic bureau:		
Current expenses	\$ 2,500	
Travel:		
In state	45,840	\$ 6,000
Equipment	20,000	50,010
Total	\$ 68,340	\$ 56,010
Estimated source of funds for traffic bureau:		
Highway	\$ 68,340	\$ 56,010
Total for department of safety division of state police	\$ 72,180*	\$ 63,050*
Estimated source of funds for department of safety division of state police		
Highway	\$ 68,740	\$ 57,195
General	3,440	5,855
Total	\$ 72,180	\$ 63,050

\*The funds hereby appropriated shall be expended for the stated purpose thereof and in addition they and any other funds appropriated by any other statute for like purposes which the director of state police has authority to expend may be expended pursuant to the provisions of RSA 106-B as amended by section 35 of this act.

	FISCAL 1974	FISCAL 1975
State prison:		
I Administration:		
Travel:		
In state	\$ -	\$ 500
Estimated source of funds for administration:		
General	\$ -	\$ 500
II Agriculture:		
Current expenses	\$ 4,200	\$ 5,800
Estimated source of funds for agriculture:		
General	\$ 4,200	\$ 5,800
III Custodial care:		
Current expenses:		
Food	\$ 66,500 <sup>a</sup>	\$ 66,500 <sup>a</sup>
Estimated source of funds for custodial care:		
General	\$ 66,500	\$ 66,500
IV Parole:		
Travel:		
In state	\$ 500	\$ 1,000
Estimated source of funds for parole:		
General	\$ 500	\$ 1,000
V Prison industries:		
Current expenses:		
Fuel	\$ 49,850	\$ 62,400
Other	5,200	8,000
Total	\$ 55,050	\$ 70,400
Estimated source of funds for prison industries:		
General	\$ 55,050	\$ 70,400
Total for state prison	\$ 126,250	\$ 144,200
Estimated source of funds for state prison:		
General	\$ 126,250	\$ 144,200

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## New Hampshire youth development center:

## I Custodial care and maintenance:

## Current expenses

	FISCAL 1974	FISCAL 1975
	<u>\$ 68,500</u>	<u>\$ 102,300</u>

## Estimated source of funds for custodial care and maintenance:

## General

	<u>\$ 68,500</u>	<u>\$ 102,300</u>
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## II Parole:

## Travel:

## In state

	<u>\$ 2,000</u>	<u>\$ 3,000</u>
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## Estimated source of funds for parole:

## General

	<u>\$ 2,000</u>	<u>\$ 3,000</u>
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## Total for New Hampshire youth development center

## Estimated source of funds for New Hampshire youth development center:

## General

	<u>\$ 70,500</u>	<u>\$ 105,300</u>
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	FISCAL 1974	FISCAL 1975
<u>Resources and economic development:</u>		
<u>I Administration and support:</u>		
<u>(a) Office of commissioner:</u>		
Current expenses	\$ 2,136	\$ 2,365
Travel:		
In state	920	1,274
Total	<u>\$ 3,056</u>	<u>\$ 3,639</u>
Estimated source of funds for office of commissioner:		
General	<u>\$ 3,056</u>	<u>\$ 3,639</u>
<u>(b) Design, development and maintenance:</u>		
Current expenses	\$ 496	\$ 447
Travel:		
In state	954	1,366
Total	<u>\$ 1,450</u>	<u>\$ 1,793</u>
Estimated source of funds for design development and maintenance:		
General	<u>\$ 1,450</u>	<u>\$ 1,793</u>
Total	<u>\$ 4,506</u>	<u>\$ 5,432</u>
Estimated source of funds for administration and support:		
General	<u>\$ 4,506</u>	<u>\$ 5,432</u>
<u>II Forestry and land resources:</u>		
<u>(a) Forest and land management:</u>		
Current expenses	\$ 420	\$ 589
Travel:		
In state	1,231	1,835
Total	<u>\$ 1,651</u>	<u>\$ 2,424</u>
Estimated source of funds for forest and land management:		
General	<u>\$ 1,651</u>	<u>\$ 2,424</u>

## Resources and economic development: (continued)

## II Forestry and land resources: (continued)

## (b) Fire control:

Current expenses

Travel:

In state

Total

Estimated source of funds for

fire control:

General

Total

Estimated source of funds for forestry

and land resources:

General

## III Economic development - travel promotion:

Other expenditures:

Printing, advertising, branch offices

Estimated source of funds for economic

development - travel promotion:

General

## IV Parks and recreation:

(a) Administration and support, parks:

Travel:

In state

(b) Parks - self-supporting:

Current expenses

Travel:

In state

Other expenditures:

Snow-making and snow-grooming

Total

	FISCAL 1974	FISCAL 1975
\$ 330		\$ 347
1,484		2,504
\$ 1,814		\$ 2,851
\$ 1,814		\$ 2,851
\$ 3,465		\$ 5,275
\$ 3,465		\$ 5,275
\$ 18,000		\$ 33,000
\$ 18,000		\$ 33,000
\$ --		\$ 350
\$ --		\$ 31,140
\$ --		5,097
\$ --		4,410
\$ --		\$ 40,647

Resources and economic development: (continued)  
IV Parks and recreation: (continued)

	FISCAL 1974		FISCAL 1975	
(c) <u>Parks - service:</u>				
Current expenses	\$	--	\$	30,414
Travel:				
In state		--		7,086
Total		\$ --		\$ 37,500
(d) <u>Parks - hampton parking meters:</u>				
Current expenses		\$ -		\$ 700
(e) <u>Parks - mount washington:</u>				
Current expenses	\$	--	\$	19,159
Travel:				
In state		--		459
Total		\$ --		\$ 19,618
Total		\$ --		\$ 98,815
Estimated source of funds for parks and recreation:				
General	\$	--	\$	98,815
Total for resources and economic development	\$	25,971	\$	142,522
Estimated source of funds for resources and economic development:				
General	\$	25,971	\$	142,522



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## Water resources board:

	FISCAL 1974	FISCAL 1975
<b>I Resources board:</b>		
Current expenses	\$ 1,018	\$ 3,072
Travel:		
In state	750	1,500
Other expenditures:		
Maintenance of dams	1,500 <sup>a</sup>	4,500 <sup>a</sup>
<b>Total</b>	<u>\$ 3,268</u>	<u>\$ 9,072</u>
<b>Estimated source of funds for resources board:</b>		
General	<u>\$ 3,268</u>	<u>\$ 9,072</u>
<b>II Construction crew:</b>		
Current expenses	\$ 11,700	\$ 28,970
Travel:		
In state	475	475
<b>Total</b>	<u>\$ 12,175</u>	<u>\$ 29,445</u>
<b>Estimated source of funds for construction crew:</b>		
Transfers from construction projects	<u>\$ 12,175</u>	<u>\$ 29,445</u>
<b>III Special Board:</b>		
Current expenses	\$ 165	\$ 660
Travel:		
In state	500	1,000
<b>Total</b>	<u>\$ 665</u>	<u>\$ 1,660</u>
<b>Estimated source of funds for special board:</b>		
General	<u>\$ 665</u>	<u>\$ 1,660</u>
<b>Total for water resources board</b>	<u>\$ 16,108</u>	<u>\$ 40,177</u>
<b>Estimated source of funds for water resources board:</b>		
Other	\$ 12,175	\$ 29,445
General	3,933	10,732
<b>Total</b>	<u>\$ 16,108</u>	<u>\$ 40,177</u>

	FISCAL 1974	FISCAL 1975
19 Water pollution commission:		
I Office of commission:		
Current expenses	\$ --	\$ 5,885
Estimated source of funds for office of commission:		
General	\$ --	\$ 5,885
20 Port authority:		
Current expenses	\$ 210	\$ 420
Estimated source of funds for port authority:		
General	\$ 210	\$ 420

## Department of health and welfare:

## I Division of mental health:

## (a) Administration:

- (1) Other expenditures:  
 Grants to community mental  
 health services

## Estimated source of funds for other

## expenditures:

## General

\$ 11,819\*

\$ 11,819

\*These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated. Notwithstanding other provision of law, funds appropriated herein for the Comprehensive Mental Health Centers shall be available after applying to the Governor and Council for said funds and certifying that all federal funds, which might be available for the operation of said center, have been pursued and it has been resolved that funds from federal sources will not be available, the Governor and Council may approve beginning with July of 1973 the payment of monthly allotments of 1/12 of the funds appropriated to the requesting comprehensive mental health agency.

## (2) Office of mental retardation:

## Other expenditures:

- Grants to community development  
 centers for the mentally retarded

\$ 3,600

FISCAL 1975

\$ 15,747\*

\$ 15,747

\$ 4,320

FISCAL 1974

	FISCAL 1974	FISCAL 1975
21 Department of health and welfare: (continued)		
I Division of mental health: (continued)		
(a) Administration: (continued)		
(2) Office of mental retardation: (continued)		
Estimated source of funds for office		
of mental retardation:		
General	\$ 3,600	\$ 4,320
Total	\$ 15,419	\$ 20,067
Estimated source of funds for administration:		
General	\$ 15,419	\$ 20,067
(b) Laconia state school and training center:		
(1) Custodial care and maintenance:		
Current expenses	\$ 215,415	\$ 293,918
Estimated source of funds for custodial		
care and maintenance:		
General	\$ 215,415	\$ 293,918
(c) New Hampshire hospital:		
(1) Custodial care and maintenance:		
Current expenses	\$ 633,778	\$ 737,957
Estimated source of funds for custodial		
care and maintenance:		
General	\$ 633,778	\$ 737,957
Total	\$ 864,612	\$ 1,051,942
Estimated source of funds for division of		
mental health:		
General	\$ 864,612	\$ 1,051,942

21

Department of health and welfare: (continued)

## II Division of public health services:

## (a) Administration and support:

## (1) Business management:

Other expenditures:  
Laboratory maintenanceEstimated source of funds for  
business management:  
General

## III New Hampshire home for the elderly:

## (a) Custodial care and maintenance:

Current expenses

Estimated source of funds for custodial  
care and maintenance:  
General

Total for department of health and welfare

Estimated source of funds for department of health  
and welfare:  
General

FISCAL 1974

FISCAL 1975

\$ 20,536\$ 20,536\$ 55,886\$ 55,886\$ 1,128,364\$ 1,128,364\$ 13,269\$ 13,269

22

Veteran's home:

## I Custodial care:

Current expenses

Estimated source of funds for custodial care:  
General\$ 16,478\$ 16,478

	FISCAL 1974	FISCAL 1975
<u>Board of education:</u>		
<u>I Administration and support:</u>		
<u>(a) State board:</u>		
Current expenses	\$ -	\$ 200
Travel:		
In state	27	35
Total	\$ 27	\$ 235
<u>Estimated source of funds for state board:</u>		
General	\$ 27	\$ 235
<u>(b) Office of commissioner:</u>		
Current expenses	\$ 190	\$ 340
Travel:		
In state	228	368
Total	\$ 418	\$ 708
<u>Estimated source of funds for office of commissioner:</u>		
Federal	\$ 200	\$ 340
General	218	368
Total	\$ 418	\$ 708
<u>(c) Business management:</u>		
Current expenses	\$ 3,533	\$ 3,783
Travel:		
In state	150	430
Total	\$ 3,683	\$ 4,213
<u>Estimated source of funds for business management:</u>		
Federal	\$ 2,026	\$ 2,317
General	1,657	1,896
Total	\$ 3,683	\$ 4,213

23

## Board of education (continued):

## I Administration and support (continued):

## (d) Planning unit:

## Current expenses

## Travel:

## In state

## Total

## Estimated source of funds for planning

## unit:

## Federal

## Total

## Estimated source of funds for administration

## and support, DOE:

## Federal

## General

## Total

## II Board of nursing education and nurse registration:

## Current expenses

## Travel:

## In state

## Total

## Estimated source of funds for nursing education

## and nurse registration:

## Nursing Education Board revenue

	FISCAL 1974	FISCAL 1975
\$ 456	\$ 670	
136	204	
\$ 592	\$ 874	
\$ 592	\$ 874	
\$ 4,720	\$ 6,030	
\$ 2,818	\$ 3,531	
1,902	2,499	
\$ 4,720	\$ 6,030	
\$ 508	\$ 1,536	
122	123	
\$ 630	\$ 1,659	
\$ 630	\$ 1,659	

	FISCAL 1974	FISCAL 1975
23 Board of education (continued):		
III Program services instruction:		
Current expenses		
Travel:		
In state	\$ 16,345	\$ 17,783
Total	<u>2,346</u>	<u>2,314</u>
	\$ 18,691	\$ 20,097
Estimated source of funds for program services instruction:		
Federal	\$ 15,923	\$ 17,121
Transfer from vocational technical	334	359
General	<u>2,434</u>	<u>2,617</u>
Total	\$ 18,691	\$ 20,097
IV Nursing scholarships:		
Current expenses	\$ 42	\$ 109
Estimated source of funds for nursing scholarships:		
General	\$ 42	\$ 109
V Fire service training:		
Current expenses		
Travel:	\$ 378	\$ 478
In state	<u>237</u>	<u>293</u>
Total	\$ 615	\$ 771
Estimated source of funds for fire service training:		
Transfer from vocational education	\$ 307	\$ 385
General	<u>308</u>	<u>386</u>
Total	\$ 615	\$ 771



23

## Board of education (continued):

## VI N. H. technical institute - Concord:

## (a) Administration:

Current expenses			
Travel:			
In state	949		
Total		\$ 13,284	\$ 11,044
Estimated source of funds for administration:			
General		\$ 13,284	\$ 11,044

## VII N. H. vocational institutes:

## (a) Berlin:

Current expenses			
Travel:			
In state	-	144	
Total		\$ 9,736	\$ 6,675

## Estimated source of funds for Berlin:

General		\$ 9,736	\$ 6,675
---------	--	----------	----------

## (b) Claremont:

Current expenses			
Travel:			
In state	27	302	
Total		\$ 2,455	\$ 3,339

## Estimated source of funds for Claremont:

General		\$ 2,455	\$ 3,339
---------	--	----------	----------

## (c) Laconia:

Current expenses			
Travel:			
In state	387	453	
Total		\$ 5,370	\$ 5,131

## Estimated source of funds for Laconia:

General		\$ 5,370	\$ 5,131
---------	--	----------	----------

	FISCAL 1974	FISCAL 1975
23 Board of education (continued):		
VII N. H. vocational institutes (continued):		
(d) Manchester:		
Current expenses	\$ 4,337	\$ 8,492
Travel:		
In state	8	24
Total	<u>\$ 4,345</u>	<u>\$ 8,516</u>
Estimated source of funds for Manchester:		
General	<u>\$ 4,345</u>	<u>\$ 8,516</u>
(e) Nashua:		
Current expenses	\$ 4,207	\$ 4,709
Travel:		
In state	9	48
Total	<u>\$ 4,216</u>	<u>\$ 4,757</u>
Estimated source of funds for Nashua:		
General	<u>\$ 4,216</u>	<u>\$ 4,757</u>
(f) Portsmouth:		
Current expenses	\$ 4,674	\$ 1,468
Travel:		
In state	49	81
Total	<u>\$ 4,723</u>	<u>\$ 1,549</u>
Estimated source of funds for Portsmouth:		
General	<u>\$ 4,723</u>	<u>\$ 1,549</u>
Total	<u>\$ 30,845</u>	<u>\$ 29,967</u>
Estimated source of funds for N. H. vocational institutes:		
General	<u>\$ 30,845</u>	<u>\$ 29,967</u>

23

## Board of education (continued):

## VIII Administrative services:

	FISCAL 1974	FISCAL 1975
Current expenses		
Travel:		
In state	\$ 2,762	\$ 4,861
Out of state	986	2,219
Other expenditures:	200	400
Certification, professional standards		
conference and workshop		
Total	<u>1,000</u>	<u>1,135</u>
	\$ 4,948	\$ 8,615

## Estimated source of funds for administrative

services:		
Federal	\$ 2,387	\$ 3,277
General	<u>2,561</u>	<u>5,338</u>
Total	<u>\$ 4,948</u>	<u>\$ 8,615</u>

## IX Program services - vocational technical:

Current expenses		
Travel:		
In state	\$ 4,260	\$ 5,680
Other expenditures:	678	1,340
Program services instruction	334	359
Fire service training	<u>307</u>	<u>385</u>
Total	<u>\$ 5,579</u>	<u>\$ 7,764</u>
Estimated source of funds for program services:		
Federal	\$ 2,790	\$ 3,882
General	<u>2,789</u>	<u>3,882</u>
Total	<u>\$ 5,579</u>	<u>\$ 7,764</u>

## Board of education (continued):

	FISCAL 1974	FISCAL 1975
X School nutrition:		
Current expenses	\$ 1,280	\$ 1,568
Travel:		
In state	432	811
Total	<u>\$ 1,712</u>	<u>\$ 2,379</u>
Estimated source of funds for school nutrition:		
General	<u>\$ 1,712</u>	<u>\$ 2,379</u>
XI Vocational rehabilitation:		
(a) Institutions:		
Current expense	\$ 395	\$ 850
Travel:		
In state	877	1,831
Total	<u>\$ 1,272</u>	<u>\$ 2,681</u>
Estimated source of funds for institutions:		
Federal	<u>\$ 1,272</u>	<u>\$ 2,681</u>
(b) Field operations:		
Current expense	\$ 1,059	\$ 6,334
Travel:		
In state	1,322	4,240
Total	<u>\$ 2,381</u>	<u>\$ 10,574</u>
Estimated source of funds for field operations:		
Federal	\$ 1,905	\$ 8,459
General	476	2,115
Total	<u>\$ 2,381</u>	<u>\$ 10,574</u>

	FISCAL 1974	FISCAL 1975
23 Board of education (continued):		
XI Vocational rehabilitation (continued):		
(c) Blind services:		
Current expenses	\$ 228	\$ 1,533
Travel:		
In state	407	1,298
Total	\$ 635	\$ 2,831
Estimated source of funds for blind services:		
Federal	\$ 400	\$ 1,789
General	235	1,042
Total	\$ 635	\$ 2,831
(d) Social security disability insurance:		
Current expenses	\$ 838	\$ 3,620
Travel:		
In state	209	705
Total	\$ 1,047	\$ 4,325
Estimated source of funds for social security disability insurance:		
Federal	\$ 1,047	\$ 4,325
(e) Workshop:		
Current expenses	\$ 4,453	\$ 8,061
Travel:		
In state	1,640	4,210
Total	\$ 6,093	\$ 12,271
Estimated source of funds for workshop:		
Federal	\$ 568	\$ 1,623
General	5,525	10,648
Total	\$ 6,093	\$ 12,271

23

## Board of education (continued):

## XI Vocational rehabilitation (continued):

## (f) Administration services:

## Current expenses

## Travel:

## In state

## Total

## Estimated source of funds for administration

## services:

## Federal

## General

## Total

## Total

## Estimated source of funds for vocational rehabilitation:

## Federal

## General

## Total

## XII Program services - vocational rehabilitation:

## (a) Special education:

## Current expenses

## Travel:

## In state

## Total

## Estimated source of funds for special education:

## Federal

## General

## Total

## (b) Workstudy:

## Current expenses

## Travel:

## In state

## Total

	FISCAL 1974	FISCAL 1975
\$ 1,492	\$ 4,257	
705	1,143	
	\$ 2,197	\$ 5,400
\$ 1,758	\$ 4,320	
439	1,080	
\$ 2,197	\$ 5,400	
		\$ 38,082
\$ 13,625		
\$ 6,950	\$ 23,197	
6,675	14,885	
\$ 13,625	\$ 38,082	
\$ 376	\$ 1,300	
545	1,044	
		\$ 2,344
		\$ 345
		1,999
		\$ 2,344
\$ 750	\$ 1,257	
296	384	
		\$ 1,641

	FISCAL 1974	FISCAL 1975
23 Board of education (continued):		
XII Program services - vocational rehabilitation:		
(continued)		
(b) Workstudy (continued):		
Estimated source of funds for workstudy:		
Federal	\$ 1,046	\$ 1,641
Total	\$ 1,967	\$ 3,985
Estimated source of funds for program services -		
vocational rehabilitation:		
Federal	\$ 1,226	\$ 1,986
General	741	1,999
Total	\$ 1,967	\$ 3,985
XIII Driver and Safety Education:		
Current expenses	\$ 655	\$ 655
Travel:		
In state	152	217
Total	\$ 807	\$ 872
Estimated source of funds for driver and		
safety education:		
Initial plate	\$ 807	\$ 872
Total for department of education	\$ 97,465	\$ 131,374
Estimated source of funds for department of education:		
Federal	\$ 32,094	\$ 52,994
Other	2,078	3,275
General	63,293	75,105
Total	\$ 97,465	\$ 131,374

	FISCAL 1974	FISCAL 1975
24 Higher education fund:		
I <u>University of New Hampshire - Durham:</u>		
Total	\$ 400,444	\$ 332,525
Estimated source of funds for Durham:		
General	\$ 400,444	\$ 332,525
II <u>Keene state college:</u>		
Total	\$ 68,914	\$ 56,950
Estimated source of funds for Keene state college:		
General	\$ 68,914	\$ 56,950
III <u>Plymouth state college:</u>		
Total	\$ 119,775	\$ 56,791
Estimated source of funds for Plymouth state college:		
General	\$ 119,775	\$ 56,791
Total for higher education fund	\$ 589,133	\$ 446,266
Estimated source of funds for higher education fund:		
General	\$ 589,133	\$ 446,266



ARTICLE II

Energy and inflationary requests of Public  
Works and Highways, and Turnpikes

25

Public works and highways:I Administration:Other personal services:

Other

Other expenditures:

Claims

Total

Estimated source of funds for adminis-

tration:

Highway

II Engineering:Personal services:

Other

Current expenses

Travel:

In state

Total

Estimated source of funds for engineering:

Highway

	FISCAL 1974	FISCAL 1975
	\$ - 8,000	\$ -
	500	-
	<u>\$ -7,500</u>	<u>\$ -</u>
	<u>\$ -7,500</u>	<u>\$ -</u>
	\$ -35,820	\$ -
	23,320	86,420
	<u>26,300</u>	<u>38,700</u>
	<u>\$ 13,800</u>	<u>\$ 125,120</u>
	<u>\$ 13,800</u>	<u>\$ 125,120</u>

	FISCAL 1974	FISCAL 1975
25 Public works and highways: (continued)		
III Maintenance:		
Current expenses	\$ 773,700	\$1,032,736
Estimated source of funds for maintenance:		
Highway	\$ 773,700	\$1,052,738
IV Highway garage:		
Current expenses	\$ 120,000	\$ 232,142
Estimated source of funds for highway garage:		
Highway	\$ 120,000	\$ 232,142
V Debt service:		
Interest on bonds	\$ -	\$ 12,600
Estimated source of funds for debt service:		
Highway	\$ -	\$ 12,600
Total for department of public works and highways	\$ 900,000	\$1,422,600
Estimated source of funds for department of public works and highways:		
Highway	\$ 900,000	\$1,422,600
26 Central new hampshire turnpike:		
Personal services:		
Other	\$ -200	\$ -250
Current expenses	14,000	22,500
Travel:		
In state	200	250
Total	\$ 14,000	\$ 22,500
Estimated source of funds for central new hampshire turnpike:		
Turnpike sinking fund	\$ 14,000	\$ 22,500

	FISCAL 1974	FISCAL 1975
27 Eastern new hampshire turnpike:		
I Blue star memorial highway:		
Current expenses	\$ -5,975	\$ -17,680
Travel:		
In state	725	1,050
Total	\$ -5,250	\$ -16,630
Estimated source of funds for blue star memorial highway:		
Eastern turnpike sinking fund	\$ -5,250	\$ -16,630
II Spaulding turnpike:		
Current expenses	\$ 5,000	\$ 16,000
Travel:		
In state	250	630
Total	\$ 5,250	\$ 16,630
Estimated source of funds for spaulding turnpike:		
Eastern turnpike sinking fund	\$ 5,250	\$ 16,630
Total for eastern new hampshire turnpike	\$ -	\$ -
Estimated source of funds for eastern new hampshire turnpike:		
Eastern turnpike sinking fund	\$ -	\$ -
28 Footnotes:		
a. The funds in this appropriation shall not be transferred or expended for any other purpose.		

## 29 Summary:

I Total appropriation for general government as included in sections 2 thru and including 6

Estimated source of funds for general government as included in sections 2 thru and including 6

Highway	\$ 4,984	\$ 9,933
Other	11,541	13,792
General	43,656	59,587
Total	<u>\$ 60,181</u>	<u>\$ 83,312</u>

II Total appropriation for administration of justice and public protection as included in sections 7 thru and including 16

Estimated source of funds for administration of justice and public protection as included in sections 7 thru and including 16

Federal	\$ 1,021	\$ 2,042
Highway	70,240	58,870
Other	-	-
General	304,712	372,925
Total	<u>\$ 375,973</u>	<u>\$ 433,837</u>

III Total appropriation for resource protection and development as included in sections 17 thru and including 19

Estimated source of funds for resource protection and development as included in sections 17 thru and including 19

Federal	\$ -	\$ -
Fish and game	-	-
Other	12,175	29,445
General	29,904	159,139
Total	<u>\$ 42,079</u>	<u>\$ 188,584</u>

## FISCAL 1974

\$ 60,181

\$ 4,984  
11,541  
43,656  
\$ 60,181

\$ 375,973

\$ 1,021  
70,240  
-  
304,712  
\$ 375,973

\$ 42,079

\$ -  
-  
12,175  
29,904  
\$ 42,079

## FISCAL 1975

\$ 83,312

\$ 9,933  
13,792  
59,587  
\$ 83,312

\$ 433,837

\$ 2,042  
58,870  
-  
372,925  
\$ 433,837

\$ 188,584

\$ -  
-  
29,445  
159,139  
\$ 188,584

## 29 Summary (continued)

IV Total appropriation for transportation as included in section 20 and in sections 25 thru and including 27

Estimated source of funds for transportation as included in section 20 and in sections 25 thru and including 27

Highway  
Other  
General  
Total

V Total appropriation for health and social services as included in sections 21 and 22

Estimated source of funds for health and social services as included in sections 21 and 22  
General

VI Total appropriation for education as included in sections 23 and 24

Estimated source of funds for education as included in sections 23 and 24

Federal  
Other  
General  
Total

Total appropriation for HB 1 as included in sections 2 thru and including 26

Estimated source of funds for HB 1 as included in sections 2 thru and including 26

Federal  
Fish and game  
Highway  
Other  
General  
Total

FISCAL 1974

\$ 914,210

\$ 900,000  
14,000  
210  
\$ 914,210

\$ 937,840

\$ 937,840

\$ 686,598

\$ 32,094  
2,078  
652,426  
\$ 686,598

\$ 3,016,881

\$ 33,115  
975,224  
39,794  
1,968,748  
\$ 3,016,881

FISCAL 1975

\$ 1,444,920

\$ 1,422,000  
22,500  
420  
\$ 1,444,920

\$ 1,141,633

\$ 1,141,633

\$ 577,640

\$ 52,994  
3,275  
521,371  
\$ 577,640

\$ 3,869,926

\$ 55,036  
1,490,803  
69,012  
2,255,075  
\$ 3,869,926

## ARTICLE IV

## Amendments to Chapter 376, Laws of 1973

30 Increasing the Appropriation for the Greyhound Racing Commission \$28,602 in 1974, and \$25,988 in 1975. Amend 1973, 376:20 by striking out said section and inserting in place thereof the following:

## 20 Greyhound racing commission:

Salaries of three commissioners	\$ 10,188	\$ 10,188
Other personal services:		
Permanent	32,506	33,197
Other	125,138*	135,556*
Current expenses	36,750**	42,250**
Travel:		
In state	3,000	10,000
Out of state	--	2,000
Other expenditures:		
Benefits	14,890	14,720

Total for greyhound racing commission \$222,472 \$247,911

Estimated source of funds for

greyhound racing commission: \$222,472 \$247,911  
General

\*Such portion of this amount that constitutes the compensation of the official judge of the Greyhound Racing Commission, shall be reimbursed to the State by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of OASI taxes. Such funds shall be deposited as unrestricted revenue. The commission may establish the salary of the official judge, and any additional amount paid for this purpose over the sum appropriated for this in "Other personal services" shall be reimbursed to the state by the

track, including OASI, and the funds reimbursed shall be credited to the appropriation for "Other personal services."

Such portion of this amount that constitutes the compensation of greyhound inspectors is to be utilized to provide for inspection of greyhounds only, and may not be utilized to provide for any grandstand or clubhouse area policing activities.

\*\*In this appropriation \$25,000 for 1974 and \$30,000 for 1975 shall be for lab services performed by the horse racing commission for the greyhound racing commission, and shall not be transferred or expended for any other purpose.

33 Reducing the 1974 Appropriation for Construction and Reconstruction: Matching Funds (federal aid) by \$3,724,476 and Increasing the 1975 Appropriation for Construction and Reconstruction: Matching Funds (federal aid) by \$429,050. Amend 1973, 376:41, III, (a) by striking out said subparagraph and inserting in place thereof the following:

(a) Matching funds (federal aid):	
Interstate	\$13,501,192
Primary	4,763,482
Secondary	2,731,995
Urban "C" funds	1,123,710
Priority primary	542,052
Topics	-
Urban "D" funds	5,601,485
Metropolitan transportation agencies	146,710
Removal roadside obstacles	140,987
R.R. grade crossing	124,835
High hazard areas	281,976
Safer road demonstration projects	290,700
Pavement marking funds	167,800
Total	<u>\$29,416,924</u>
Estimated source of funds for matching funds (federal aid):	
Federal	\$23,922,130
Highway	<u>5,494,794</u>
Total	<u>\$29,416,924</u>
34 Reducing the Appropriation for Community Assistance (state funds) by \$641,400 in 1974, and \$688,625 in 1975. Amend 1973, 376:41, VI by striking out the lines: "Federal aid topics 275,000 275,000", "Federal aid urban system 366,400 189,250", and "State subsidy 4,487,500 4,487,500", and inserting in place the line:	
(State subsidy	<u>4,487,500</u>
	<u>4,263,125</u> )

31 Appropriation for the 1973 Retirement Liability to the Department of Safety and the Fish and Game Department. There is hereby appropriated to the department of safety the sum of \$165,060.29, in addition to any other sums appropriated for fiscal 1974, for the retirement contributions due the state treasury retirement division for fiscal 1973. The sums hereby appropriated shall be a charge against the following funds:

Highway	\$137,346.28
Turnpike funds:	
Central	4,015.00
Blue star memorial	2,007.50
Spaulding	2,007.50
Initial plate fund	19,513.19
General	<u>19,170.82</u>
Total	<u>\$165,060.29</u>

There is hereby appropriated to the fish and game department the sum of \$109,797.63, in addition to any other sums appropriated for fiscal 1974, for the retirement contributions due the state treasury retirement division for fiscal 1973. The sums hereby appropriated shall be a charge against the fish and game fund and shall not be transferred or used for any other purpose.

32 Repeal. 1973, 376:77, relative to road toll estimated revenue, is hereby repealed.

35 Per Diem Reimbursement for Expenses for Certain Employees of the Department of Safety. Amend KSA 106-B:9 (supp) as inserted by 1961, 166:4, as amended, by striking out said section and inserting in place thereof the following:

106-B:9 Per Diem Reimbursement for Expenses. The director may, with the approval of the commissioner, establish a per diem rate of payment in lieu of reimbursement for expenses incurred in the discharge of their duties for all employees of the state police who are regularly assigned to field work in either a patrol or investigatory capacity. Employees regularly assigned either to troop headquarters or to the central administrative offices shall not be entitled to such per diem payment. The director may authorize the payment of said expenses monthly, from funds appropriated to the division of state police provided, however, said payment shall include reimbursement only for those days actually worked in each month. The director, prior to authorizing any such payments, shall with the approval of the commissioner, submit to the comptroller lists of all employees for whom such payments are authorized by him, which shall include, for each such employee, his classification and duty assignment, and the specific type and kind of expenses for which he is being reimbursed. He shall, with the approval of the commissioner, submit to the comptroller, at like time and in like manner and detail, any deletions or additions to said lists.

36 Transfer of funds appropriated to the Communications Section, Division of State Police, for Equipment from Fiscal 1974 to Fiscal 1975. Amend 1973, 376:30, V(a) by striking out the line "Equipment 148,250 203,650" and inserting in place thereof the line:

Equipment	108,250	253,650
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Further amend 1973, 376:30V(a) by striking out the lines "Total \$404,280\* \$464,097\*, Estimated source of funds for communications section: Transfer from crime commission \$69,438 \$135,888, Highway 342,842 328,209, General 10,000 ---, Total \$404,280 \$464,097," and inserting in place thereof the following:

Total	<u>\$364,280*</u>	<u>\$514,097*</u>
Estimated source of funds for communications section:		
Transfer from crime commission	\$ 39,438	\$180,888
Highway	324,842	328,209
General	---	5,000
Total	<u>\$364,280</u>	<u>\$514,097</u>



37 Increasing the Appropriation for the Division of Public Health Services \$500 in 1974 and \$2,000 in 1975. Amend 1973, 376;46, V(k), (1) by striking out the same and inserting in place thereof the following:

(1) Nursing Home Board:		
Other Expenditures	<u>\$2,700</u>	<u>\$4,200</u>
Total	<u>\$2,700</u>	<u>\$4,200</u>
Estimated source of funds for Nursing Home Board:		
General	<u>\$2,700</u>	<u>\$4,200</u>

38 Changing Footnote References for 1974 and Increasing the Appropriation for the Division of Welfare \$99,439 in 1975. Amend 1973 376;46;VII(b)(6) by striking out the same and inserting in place thereof the following:

(6) Administration:		
Personal services:		
Permanent	<u>\$101,223</u>	<u>\$103,895</u>
Current expenses	<u>34,892</u>	<u>36,004</u>
Travel:		
In state	<u>3,463</u>	<u>3,538</u>
Out of state	<u>533</u>	<u>548</u>
Equipment	<u>5,251</u>	<u>1,000</u>
Other expenditures:		
Benefits	<u>9,207</u>	<u>9,475</u>
Merit system	<u>241</u>	<u>313</u>
Income maintenance		
system development	<u>67,500f</u>	<u>113,374</u>
Operational costs	<u>83,700f</u>	<u>123,565</u>
Total	<u>\$306,010</u>	<u>\$391,712</u>

Estimated source of funds for administration:	
Federal	<u>\$153,005</u>
General	<u>153,005</u>
Total	<u>\$306,010</u>
	<u>\$391,712</u>

39 Changing Footnote References in 1974 and Increasing the Appropriation for the Division of Welfare \$245,059 in 1975. Amend 1973 376;46;VII(c)(3) by striking out same and inserting in place thereof the following:

(3) Administration and support:		
Personal services:		
Permanent	<u>\$217,055</u>	<u>\$265,780</u>
Current expenses	<u>36,241</u>	<u>49,480</u>
Travel:		
In state	<u>1,744</u>	<u>1,796</u>
Out of state	<u>564</u>	<u>584</u>
Equipment	<u>10,460</u>	<u>1,245</u>
Other expenditures		
Merit system	<u>626</u>	<u>831</u>
Reimbursement to health	<u>20,000</u>	<u>20,000</u>
Health services corp.	<u>21,672</u>	<u>27,000</u>
Physical exams	<u>2,000</u>	<u>2,500</u>
Title XIX & related systems		
Operational costs	<u>197,000f</u>	<u>27,600</u>
Benefits	<u>333,448f</u>	<u>343,489</u>
	<u>12,414</u>	<u>17,195</u>
Total	<u>\$853,224</u>	<u>\$757,500</u>
Estimated source of funds for administration and support:		
Federal	<u>\$426,612</u>	<u>\$559,890</u>
General	<u>426,612</u>	<u>197,610</u>
Total	<u>\$853,224</u>	<u>\$757,500</u>

40 Decreasing the New Hampshire Hospital Custodial and Maintenance by \$233,200 in 1974 and Decreasing the New Hampshire Hospital Professional Care and Treatment by \$534,300 in 1974 and by \$53,000 in 1975. Amend 1973, 376: 46; IV, (C), (1), and (2) by striking out the same and inserting in place thereof the following:

(c) New Hampshire hospital:

(1) Custodial and maintenance:	
Salary of superintendent	\$ 33,200
Salary of assistant superintendent	23,000
Other personal services:	
Permanent	2,134,500†
Other	79,880
Current expenses	1,598,682
Travel:	
In state	200
Out of state	1,000
Equipment	107,471
Other expenditures:	
Benefits	202,232
Total	<u>\$4,180,165</u>
Estimated source of funds for custodial and maintenance	
Other-maintenance refunds	\$ 71,000
General	<u>4,109,165</u>
Total	<u>\$4,180,165</u>

(2) Professional care and treatment:

Personal services:	
Salary of assistant superintendent	\$ 36,000
Professional services	\$35,200
Unclassified	695,053†
Permanent	4,806,466†

other	\$	170,000	\$	188,500
Current expenses		104,752*		113,982*
Drugs:				
Out patient		25,000**		--
In patient		120,000a		126,000a
Travel:				
In state		7,325		10,955
Out of state		3,000		3,000
Equipment		80,971		77,000
Other expenditures:				
Benefits		498,351		611,343
Total		<u>\$6,546,118</u>		<u>\$7,923,476</u>
Estimated source of funds for professional care and treatment:				
General		<u>\$6,546,118</u>		<u>\$7,923,476</u>

\*No charge against this appropriation or any other appropriation of new Hampshire hospital shall be made for nurses' uniforms.

\*\*These amounts shall not be transferred or expended for any other purpose. Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

41 Increasing the Appropriation for the New Hampshire Hospital; Custodial and Maintenance by \$5,700 in 1974 and \$43,570 in 1975. There is hereby appropriated to the New Hampshire Hospital; Custodial and Maintenance the following:

	1974	1975
Personal Services		
Permanent	-	\$39,609
Equipment	\$5,700	--
Other expenditures		
Benefits	-	3,961
Total	<u>\$5,700</u>	<u>\$43,570</u>

The above amounts are appropriated in addition to any other appropriation for the New Hampshire Hospital. The Governor is authorized to draw his warrant from sums not otherwise appropriated.

42 Increasing the Appropriation for the New Hampshire Hospital; Professional Care and Treatment by \$187,119 in 1975. There is hereby appropriated to the New Hampshire Hospital; Professional Care and Treatment the following:

	1975
Personal services:	
Other	\$170,108
Other expenditures:	
Benefits	17,011
Total	<u>\$187,119</u>

The above appropriated amounts are in addition to any other appropriation for the New Hampshire Hospital. The Governor is authorized to draw his warrant from sums not otherwise appropriated.

43 Increasing the Appropriation for the New Hampshire Hospital; Training and Development in 1974 by \$32,245 and Authorizing the New Hampshire Hospital Labor Forces to Install and Connect the Necessary Utilities to a Modular Building. There is hereby appropriated to the New Hampshire Hospital; Training and Development, in addition to any other funds appropriated, the sum of \$32,245 from Federal funds for the purchase, installation and, equipping of a modular building. The installation and connection of utilities for said building to be accomplished with materials and labor funded in the New Hampshire Hospital operating budget. The Governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

44 Increasing the Appropriation for 1974 by \$1000 in the Office of Director, Division of Mental Health, Department of Health and Welfare. Amend 1973, 376:46; IV, (a), (1) by inserting after the line "Benefits 3903 4035" the line:

Feasibility study 1,000g --

15 Increasing the Appropriation for the Division of Public Health Services by \$50,000 in 1974 and \$50,000 in 1975. Amend 1973, 376:46;V,(e),(1) Other expenditures by striking out the line "Rehabilitation 100,000 100,000" and inserting in place thereof the following:

Rehabilitation	150,000	150,000
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Further amend 1973, 376:46;V,(e),(1) by striking out the lines "Total \$402,785 \$404,427, Estimated source of funds for crippled children's services: Federal \$184,400 \$184,400, General 218,385 220,027, Total \$402,785 \$404,427" and inserting in place thereof the following:

Total	\$452,785	<u>\$454,427</u>
Estimated source of funds		
for crippled children's services:		
Federal	\$224,400	\$184,400
General	228,385	<u>270,027</u>
Total	<u>\$452,785</u>	<u>\$454,427</u>

16 Decreasing the Appropriation for 1975 by \$115,100 for the Grants to Community Mental Health Services. Amend 1973, 376:46;IV,(a),(1) by striking out the same and inserting in place thereof the following:

(2) Other expenditures:	
Grants to community mental health services	<u>\$2,309,077*</u>
	<u>\$2,880,268*</u>

Total	<u>\$2,309,077</u>	<u>\$2,880,268</u>
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Estimated source of funds for other

expenditures:

Federal	\$ 513,277	\$ 914,468
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General	<u>1,795,800</u>	<u>1,965,800</u>
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Total	<u>\$2,309,077</u>	<u>\$2,880,268</u>
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\*These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated. Notwithstanding other provision of law, funds appropriated herein for the Comprehensive Mental Health Centers shall be available after apportioning to the Governor and Council for said funds and certifying that all federal funds, which might be available for the operation of said center, have been pursued and it has been resolved that funds from federal sources will not be available, the Governor and Council may approve beginning with July of 1973 the payment of monthly allotments of 1/12 of the funds appropriated to the requesting comprehensive mental health agency.

17 Increasing the Appropriation for the New Hampshire Hospital by \$10,690 in 1974. Amend 1973, 376:46;IV,(c),(2) by striking out the line "Equipment 80,971 77,000" and inserting in place thereof the line:

Equipment	91,661	77,000
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u8 Footnote Amended. Amend 1973, 376:51, I, by striking out the footnotes and inserting in place thereof the following:

\*This appropriation, or so much as may be needed shall fully fund positions 0123, 0086, 0162, and 0166 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974, unless federal funding has been received in an amount sufficient to cover the total FY74 cost of these positions (less the required matching state share of \$39,203.00 required by terms of the ESEA V FY74 federal grant award). In the event such funding is received the balance of the state funds may be carried forward and used in FY75 until notification is received from federal authorities that federal funding for FY75 will be provided for the spaces, or until September 30, 1974, whichever comes first. In the event federal funding is provided for FY75 these funds may be used only to the extent necessary to meet the minimum state matching requirements.

In FY75, if federal funds are not available to fund these positions, the positions will be abolished.

†Positions 0208, 0143, 0118, and 0248 will be abolished at June 30, 1974, if federal funds are not received for funding of these positions.

u9 Footnote Amended. Amend 1973, 376:51, VII, by striking out the footnote and inserting in place thereof the following:

\*This appropriation, or so much as may be needed shall fully fund positions 0030, 0032, 0034, 0038, 0079, 0080, 0091, 0094, 0102, 0104, and 0129 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, (except for the amount of funds needed to meet the state matching requirement) if federal funds are available for funding said positions for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974, unless federal funding has been received in an amount sufficient to cover the total FY74 cost of these positions (less the required matching state share of \$23,468 required by terms of the ESEA V FY74 federal grant award). In the event such funding is received the balance of the state funds may be carried forward and used in FY75 until notification is received from federal authorities that federal funding for FY75 will be provided for the spaces, or until September 30, 1974, whichever comes first. In the event federal funding is provided for FY75 these funds may be used only to the extent necessary to meet the minimum state matching requirements.

In FY75, if federal funds are not available to fund these positions, the positions will be abolished.

50 Footnote Amended. Amend 373, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

\*This appropriation, or so much as may be needed shall fully fund position 0073 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, (except for the amount of funds needed to meet the state matching requirement) if federal funds are available for funding said positions for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974, unless federal funding has been received in an amount sufficient to cover the total FY74 cost of these positions. In the event such funding is received the balance of the state funds may be carried forward and used in FY75 until notification is received from federal authorities that federal funding for FY75 will be provided for the spaces, or until September 30, 1974, whichever comes first. In the event federal funding is provided for FY75 these funds may be used only to the extent necessary to meet the minimum state matching requirements.

In FY75, if federal funds are not available to fund these positions, the positions will be abolished.

51 Footnote Amended. Amend 1973, 376:51, XVI, by striking out the footnote and inserting in place thereof the following:

\*This appropriation, or so much as may be needed shall fully fund positions 0037, 0075, 0093, 0095, 0096, 0109, 0126, 0175, 0036, 0229, and 0217 only through 3/31/74, in the event any federal funds become available for such funding

for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, (except for the amount of funds needed to meet the state matching requirement) if federal funds are available for funding said positions for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974, unless federal funding has been received in an amount sufficient to cover the total FY74 cost of these positions (less the required matching state share of \$15,735 required by terms of the ESEA V FY74 federal grant award). In the event such funding is received the balance of the state funds may be carried forward and used in FY75 until notification is received from federal authorities that federal funding for FY75 will be provided for the spaces, or until September 30, 1974, whichever comes first. In the event federal funding is provided for FY75 these funds may be used only to the extent necessary to meet the minimum state matching requirements.

In FY75, if federal funds are not available to fund these positions, the positions will be abolished.

52 Reducing the Appropriation for N. H. Technical Institute - Concord by \$63,800 in 1974, and \$90,000 in 1975. Amend 1973, 376:51; XIV, (a) by striking out the line "Current expenses 279,282 285,337" and inserting in place thereof the following:

Current expenses 215,482# 195,337

#In this appropriation \$5,000 shall be for road maintenance and construction of institute roadway, and no part of this amount shall be transferred or expended for any other purpose

53. Public Works Division of Department of Public Works and Highways Appropriation. The sum of two hundred eighteen thousand one hundred thirty six dollars is hereby appropriated to the public works division of department of public works and highways for contractual maintenance projects as follows:

FISCAL 1974

Laconia State School and Training Center:

Murphy Building-  
Install high tub \$ 2,280

Quimby Building-  
Elevator repairs 3,420

Powell Building-  
Replace heating system 8,550

Smith Farm:  
Install new boiler  
and radiation 4,560

Replace existing  
water main 1,482

Total \$ 20,292

New Hampshire Youth Development Center:

Boiler house:

Install boiler  
stand-by feed  
pump \$ 2,850

FISCAL 1974

Install manually-  
operated shutter-type  
ventilator in an  
existing window  
opening \$ 3,420

Riverview cottage:

Replace hot water tank  
(high priority) 2,850

Renovate shower, toilet  
and washroom in basement  
18,240

Main building kitchen:

Ventilation and new  
ceiling over dishwasher  
and steam table 11,400

Correct fume hood over  
stoves to reduce fire  
hazard 6,840

Install ventilating  
hood with roof fan in  
bakery room 3,420

Sanders Building  
Replace hot water tank 3,590

Gymnasium:

Replace 3" steam main  
in tunnel under building 4,560

Replace filtering tanks  
for swimming pool 1,710

FISCAL 1974

Replace deteriorated steam unit heaters, valves, traps, and electrical controls in swimming pool area	\$ 3,990
Main building laundry tank	5,130
Replace hot water storage tank	
<b>Site:</b>	
Replace supply and return underground steam lines between Spaulding and Pinecrest Cottage	5,700
Replace 5" expansion joint and install new wall anchors on steam supply line in tunnel between Boiler House and Cannery Building	2,850
Install underground shut-off valve for hydrant off S. E. corner of Wilkins Cottage (If this hydrant is broken by snow plow there is no way of turning water off without shutting down everything on the main)	
<b>Total</b>	<u>1,140</u>
	<u>\$ 78,090</u>

FISCAL 1974

<u>New Hampshire Home for the Elderly, Glencliff</u>	
Replace present 5" underground steam main to service building	\$ 7,410
Replace the topmost 1' - 0" of gravel in the sewage disposal filter beds	2,850
Replace roofs on upper level of Adams Hall (nurses home)	<u>2,850</u>
<b>Total</b>	<u>\$ 13,110</u>
<u>New Hampshire Hospital Concord, N.H.</u>	
Boiler Room:	
Calibration of boiler room equipment and all electric meters in power plant	\$ 3,420
Forensic Unit:	
Installation of window bars, double locks and doors and other necessary renovations to generally improve the security of Forensic Unit:	<u>\$ 90,000</u>
<b>Total</b>	<u>\$ 93,420</u>
<u>New Hampshire Vocational-Technical College:</u>	
Portsmouth-	
Investigate and correct water leakage through precast concrete spandrel beam East wall, first floor of main building	\$ 1,710



FISCAL 1974

Berlin-  
Increase size of main  
sewer line and add manhole \$ 3,420

Nashua-  
Install catch basin and  
approximately 400' of  
pipe east end of main  
access to school from  
Thornton Road 3,990

Total \$ 9,120

Adjutant General's Department:

Claremont Armory-  
Retube boiler \$ 2,052

Military Reservation-  
Concord Administration  
Building  
New refractory in boiler 2,052

Total \$ 4,104

Total for contractual maintenance  
projects \$218,136

This appropriation shall be in addition to all other appropriations for the public works division of department of public works and highways and shall not lapse until June 30, 1975. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

54 Reducing the Appropriation for Health lab building by \$29,744 in 1974.

Amend 1973, 376:4, VI, (b), (3) by striking out the line "Current expenses 148,695 153,766" and inserting in place thereof the following:

Current expenses 118,951 153,766

55 Reducing the Appropriation for Tex building by \$1,500 in 1974 and \$1,000 in 1975.

Amend 1973, 376:4, VI, (b), (4) by striking out the line "Current expenses 10,000 10,000" and inserting in place thereof the following:

Current expenses 8,500 9,000

56 Increasing the Appropriation to the Department of Administration and Control \$8,000 in 1974 and \$8,000 in 1975. The sums of \$8,000 in 1974 and \$8,000 in 1975 are hereby appropriated to the department of administration and control for membership dues in the education commission of the states.

These appropriations shall be in addition to all other appropriations to the department of administration and control. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

58 Increasing the Appropriation for Centralized Data Processing by \$925 in 1974 and \$22,489 in 1975. Amend 1973, 376:5; I by striking out said section and inserting in place thereof the following:

I Administration and support:		
Salary of director	\$26,670	\$26,670
Salary of deputy director	20,738	20,738
Salary of manager of management information systems	19,845	19,845
Salary of manager of operations	16,905	17,743
Salary of manager of programming	18,230	19,005
Salary of staff associate for technical resources control	--	18,568
Other personal services:		
Permanent	94,399	104,830
Other	6,650	6,650
Current expenses	32,412	34,028
Travel:		
In state	1,200	1,200
Out of state	1,675	1,675
Equipment	1,712	5,200
Other expenditures:		
Commission expense	2,775	3,700
Professional fees	12,000	12,000
Benefits	14,233	17,104
Total	\$269,444	\$308,956
Estimated source of funds for administration and support:		
General	\$269,444	\$308,956

57 Providing for the Development and Operation of a Computerized Budget System and Increasing the Appropriation to the Department of Administration and Control \$50,000 in 1975.

Amend 1973, 376:4, VI; (a) by striking out all after the line Equipment 6,000 2,000 and inserting in place thereof the following:

Other expenditures:		
Data processing services	208,823d	182,616d
Development and operation of a computerized budget system	74,189*	50,000d
Benefits	19,125	17,866
Total	\$543,699	\$474,887
Estimated source of funds for accounting:		
General	\$543,699	\$474,887

\*This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of department of centralized automated data processing. This appropriation shall not lapse until June 30, 1975.

59 Increasing the Appropriation for Centralized Automated Data Processing by \$35,000 in 1974 and \$6,230 in 1975. Amend 1973, 376:5,II by striking out the line "Current expenses 833,919 947,170" and inserting in place thereof the line:

Current expenses 868,919# 953,400

Further amend 1973, 376:5,II by inserting after the line General \$1,195,091 \$1,424,546 the following footnote:

\$35,000 of this appropriation shall be for air conditioning humidity control, shall not be transferred or expended for any other purpose, and shall not lapse until June 30, 1975.

60 Decreasing the Appropriation for Centralized Automated Data Processing by \$79,507 in 1974. Amend 1973, 376:5, II by striking out the line "Permanent \$278,872 \$378,141" and inserting in place thereof the line:

Permanent \$213,872## \$378,141

Further amend 1973, 376:5,II by inserting at the end of said paragraph the following footnote:

##No authorized positions for Operations are being abolished by this action.

Amend 1973, 376:5, III by striking out the line "Permanent \$216,996 \$256,168" and inserting in place thereof the line:

Permanent 202,489† 256,168

Further amend 1973, 376:5, III by inserting at the end of said paragraph the following footnote:

†No authorized positions for Programming are being abolished by this action.

61 Increasing the Appropriation for the Office of the Secretary of State \$400 in 1975. Amend 1973, 376:7,I, by striking out the line "Out of state 300 300" and inserting in place thereof the line:

Out of state 300 700

Further amend 1973, 376:7,I, by striking out the lines "Total \$174,613 \$160,432; Estimated source of funds for office of the Secretary: Photostat revenue \$3,000\* \$3,000\*; General \$171,613 \$157,432. Total \$174,613 \$160,432," and inserting in place thereof the following lines:

Total	\$174,613	\$160,832
Estimated source of funds for office of the Secretary:		
Photostat Revenue	\$ 3,000*	\$ 3,000*
General	171,613	157,832
Total	\$174,613	\$160,832

62 Footnote Amended. Amend 1973, 376:7,III, by striking out the footnote and inserting in place thereof the following:

\*This appropriation shall not lapse until June 1975, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the president of the senate and speaker of the house with the approval of the fiscal committee, from funds available in the legislative appropriation.

63 Increasing the Appropriation for the State Treasury Receipt and Disbursement of Funds by \$17,236 in 1974 and \$13,396 in 1975. Amend 1973, 376:10; I by striking out the lines "Equipment 24,000 1,500, Other expenditures: Data processing services 13,998d 13,998d, Head tax expense 200 200" and inserting in place thereof the following:

Equipment	24,000f	1,500
Other expenditures:		
Data processing	31,234d	27,394d
services	200	200
Head tax expense		

64 Decreasing the Appropriation for the State Treasury Receipt and Disbursement of Funds by \$15,000 in 1974. Amend 1973, 376:10; I by striking out the line "MICR reader/sorter 18,000 18,000" and inserting in place thereof the following:

MICR reader/sorter	3,000	18,000
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65 Increasing the Appropriation for the State Treasury Retirement Division by \$64,943 in 1975. Amend 1973, 376:10; II by striking out the lines "Data processing services 69,474d 29,668d, Consulting services 1,600 1,600, Benefits 8,389 8,389, Total \$2,407,898 \$2,577,914, Estimated source of funds for retirement division: Administrative cost to political subdivision \$34,200 \$37,700, General 2,373,698 2,540,214, Total \$2,407,898 \$2,577,914" and inserting in place thereof the following:

Data processing services	69,474*	94,611d
Consulting services	1,600	1,600
Benefits	8,389	8,506
Total	<u>\$2,407,898</u>	<u>\$2,642,857</u>

Estimated source of funds for

retirement division:

Administrative cost to

political subdivisions

General

Total

\$	34,200	\$	37,700
	<u>2,373,698</u>		<u>2,605,154</u>
	<u>\$2,407,898</u>		<u>\$2,642,857</u>

\*Within this appropriation \$17,493 for fiscal year 1974 shall not lapse until June 30, 1975, and this appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the Director of department of centralized automated data processing.

66 Increasing the Appropriation for the Attorney General by \$11,500 in 1974, and \$28,100 in 1975. Amend 1973, 376: 14, I, (a) by striking out all after the line "Equipment 3,673 2,581 and inserting in place thereof the following:

Other expenditures:	
Benefits	15,699
Commission on uniform laws	3,100f
Continuing legal education	17,000
Summer intern program	3,400
Mobile prosecutorial strike force	34,000
B&M railroad litigation fund	20,000f
N.H. - Maine boundary litigation	15,000f
United States v. Maine, New Hampshire, et al.	1,765f
Special counsel - CAB hearing and related expenses	2,050f
Law enforcement manual	1,600f
Total	<u>\$300,368</u>
	<u>\$288,992</u>

Estimated source of funds for administrative:

Transfer from crime commission	\$ 48,000
Transfer from welfare	16,000
General	236,368*
Total	<u>\$300,368</u>
	<u>\$288,992</u>

Further amend 1973, 376: 14 by adding in paragraph V after the line "Permanent 6,901 7,164 the line: 2,000 Other 1,500

67 Increasing the Appropriation for the New Hampshire Youth Development Center \$2,500 in 1974, and \$3,500 in 1975. Amend 1973, 376: 32, I by striking out the line "Other 33,173 33,173" and inserting in place thereof the line:

Other	35,673	36,673
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Further amend 1973, 376: 32, I by striking out the lines "Total \$1,053,291\* \$1,066,871\*", Estimated source of funds for custodial care and maintenance: Maintenance refunds \$6,000 \$6,000, General 1,047,291 1,060,871, Total \$1,053,291 \$1,066,871, and inserting in place thereof the following lines:

Total	<u>\$1,055,791*</u>	<u>\$1,070,371*</u>
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Estimated source of funds for custodial care and maintenance:

Maintenance:	\$ 6,000	\$ 6,000
Maintenance refunds	<u>1,049,791</u>	<u>1,064,371</u>
General		
Total	<u>\$1,055,791</u>	<u>\$1,070,371</u>

68 Reducing the Appropriation for Construction and Reconstruction (Non-matching Funds) Betterments by \$1,400,000 in 1974 and \$1,400,000 in 1975. Amend 1973, 376: 41, III, (b) by striking out the line "Betterments 4,000,000 4,000,000", and inserting in place thereof the line:

Betterments	2,600,000	2,600,000
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69 Reducing the Highway Fund Appropriation for Highway Garage Equipment by \$300,000 in 1974 and \$200,000 in 1975. Amend 1973, 376: 41, V by striking out the line "Equipment 600,000 599,690", and inserting in place thereof the following:

Equipment	<u>300,000</u>	<u>399,690</u>
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70 Increasing the Appropriation to the Department of Resources and Economic Development to Update the State Comprehensive Outdoor Recreation Plan. There is hereby appropriated to the department of resources and economic development the sum of \$70,000, in addition to any other sums appropriated for fiscal 1974 for the state comprehensive outdoor recreation plan. The sum hereby appropriated shall be a charge against federal funds in the amount of \$35,000 and from funds not otherwise appropriated in the amount of \$35,000 for fiscal 1974. The sums hereby appropriated shall not be transferred or used for any other purpose and shall not lapse until June 30, 1975.

71 Reducing the General Fund Appropriation for Graphic Arts by \$25,000 in 1974 and \$25,000 in 1975. Amend 1973, 376:35, I, (b) by striking out the line "Current expenses 38,000 39,000", and inserting in place thereof the following:

Current expenses	13,000	14,000
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72 Increasing the Appropriation for the Water Resources Special Board \$2,000 in 1974, and \$2,000 in 1975, amend 1973, 376:36, III by striking out the line "Other 4,500 4,500" and inserting in place thereof the line:

Other	6,500	6,500
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73 Personnel to Establish Appropriate Salary Grades. Expenditure of the funds appropriated in this act for the establishment of new classified positions shall be subject to final determination by the department of personnel as to the appropriateness of the salary grades.

74 Retirement System Interest Rate. Notwithstanding any provision of law to the contrary, the board of trustees of the New Hampshire Retirement System shall from July 1, 1973 to June 30, 1975, determine that the rate of interest for use in all calculations relative to all matters pertaining to all retirement systems shall be five percent per annum.

75 Transfer of Class I Funds. Amend RSA 9:117-a as inserted by 1967, 292:1, as amended, by inserting after paragraph II the following new paragraph:

II-a. From any appropriation items for permanent personal services to any other use or purpose, provided however that this provision shall not supersede the provisions of RSA 99:4.

76 Study of Tobacco Products Tax. The commissioner of revenue administration is directed to conduct a complete study of the selling price of tobacco products in New Hampshire and the implementation of the tobacco products tax under RSA 78:7 and report his findings to the General Court on or before April 1, 1975. Notwithstanding any provisions of law to the contrary, the commissioner of revenue administration is directed to continue to use the usual selling price of tobacco products in use as of January 1, 1974 in determining the tobacco products tax levied pursuant to RSA 78:7 through June 30, 1975.

77 Reducing the Appropriation for the Board of Taxation by \$1,000 in 1974 and \$1,000 in 1975. Amend 1973, 544:20 Travel: by striking out the line "Out of state 1,000 1,000".

78 Increasing the Appropriation for the Division of Welfare \$80,000 in 1975. There is hereby appropriated to the Division of Welfare the sum of \$80,000, in addition to any other sums appropriated for fiscal 1975 for reimbursement to Health. The sum hereby appropriated shall be a charge against federal funds in the amount of \$40,000 and from funds not otherwise appropriated in the amount of \$40,000 for fiscal 1975.

79 Salary. Amend RSA 94:1-a (supp) as amended by 1973, 377:6, by inserting in the proper alphabetical order the following:

Staff Associate for	
Technical Resources Contr.	17,603 22,430

80 Amend RSA 8-C:8-a by striking out said section and inserting in place thereof the following:

8-C: 8-a Managers and Staff Associate. The director shall employ the following unclassified personnel: a manager of management information systems, a manager of programming, a manager of operations, and a staff associate for technical resources control. Each manager and staff associate shall serve at the pleasure of the director and his salary shall be as provided in RSA 94:1 provided that the director may at any time, establish the salary of each at any step in the range as therein provided.

83 Estimated Federal Funds. If under any appropriation in section 2 thru 27, excepting section 21, I, (a), (1), and section 46, the federal grant received is less than estimated, the total appropriation shall be reduced by both the amount of reduction in federal estimates and the reduction of applicable state matching funds. If the applicable state matching funds are included in a section or sections other than the section or sections in which the federal grants are estimated, the appropriation reductions shall be made in the applicable sections. The provisions of this section shall not apply to revenue sharing funds.

84 Sale of Certain Fish and Game Properties: Appropriation of the Proceeds. In the event the fish and game department sells the following described tract of land, namely, a tract of land located in the town of Merrimack, County of Hillsboro bounded and described as follows: beginning at an iron pin on the easterly line of the F. E. Everett turnpike right-of-way, being the northwesterly corner of the herein described tract, and the southwesterly corner of land of the Lone Star Ranch; thence southwesterly twelve hundred sixteen feet along the said easterly line of the F. E. Everett turnpike to a point; thence northeasterly four hundred fifty feet to a concrete bound; thence southeasterly one hundred ninety-two feet to a concrete bound at a point on the westerly line of the right-of-way of Route U. S. 3; thence northeasterly six hundred forty feet along said right-of-way to a concrete bound; thence northwesterly four hundred ninety-eight feet to the point of beginning, said tract being six and one-half acres more or less.

Up to fifty thousand dollars of the funds received from said sale shall be deposited with the state treasurer in the sub-account (Milford hatchery) established pursuant to 1971, 195:2 in the fish and game fund and is hereby appropriated to be expended for the purposes and pursuant to the provisions of Laws of 1971, 195:2; provided, however, that none of said funds shall be expended unless matching federal funds in an equal amount are made available and said federal funds are hereby also appropriated. Any funds received for the sale of the above described land in excess of fifty thousand dollars shall be deposited in the fish and game fund.

81 Increasing the appropriation for Public Utilities Commission by \$8,500 in 1974, and \$7,800 in 1975. Amend 1973, 376:28, I by striking out the line "Out of state 4,000" and inserting in place thereof the line:

Out of state 6,000 6,800

Further amend 1973, 376:28 by striking out paragraph II and inserting in place thereof the following:

FISCAL 1974 FISCAL 1975

II Common carriers:		
Personal services:		
Permanent	\$ 48,102	\$ 48,608
Other	1,600	1,700
Current expenses	18,500	19,000
Travel:		
In state	4,100	2,600
Out of state	500	500
Equipment	7,000	700
Other expenditures:		
Benefits	4,384	4,510

Total \$ 84,186b \$ 77,618b

Estimated source of funds for

common carriers:

General

\$ 84,186 \$ 77,618

82 Increasing the Appropriation for Professional Engineers by \$2,000 in 1974 and \$500 in 1975. Amend 1973, 376:16, VI, by striking out the line "Other 4,300 4,550" and inserting in place thereof the line:

Other 6,300 5,050



85 Reducing the Appropriation for the Fish and Game Department by \$74,650 in 1974 and \$201,876 in 1975. Amend 1973, 376:33 by striking out the same and inserting in place thereof the following new section 33:

	FISCAL 1974	FISCAL 1975
33 Fish and game department;		
I Fish resources:		
(a) Inland fisheries:		
Personal services:		
Permanent	\$ 542,567	\$ 546,244
Other	13,905	1
Current expenses	224,622	230,952
Travel:		
In state	7,000	7,000
Out of state	1,000	1,000
Equipment	10,000	5,000
Other expenditures:		
Connecticut and merrimack river		
anadromous fish contract	10,000	10,000
Aerial stocking contract	2,000	2,000
Bass study program	23,000	23,000
Benefits	50,082	49,162
Land acquisition	50,000	15,000
Total	\$ 934,176	\$ 889,352
Estimated source of funds for inland fisheries:		
Fish and game	\$ 934,176	\$ 889,352
(b) Marine fisheries:		
Personal services:		
Permanent	\$ 34,382	\$ 35,523
Other	2,700	1
Current expenses	14,000	12,048
Travel:		
In state	500	500
Out of state	500	500

	FISCAL 1974	FISCAL 1975
Equipment	\$ 3,400	\$ 3,000
Other expenditures:		
UNH contract 3-155-R	1,000	1,000
Coho salmon project	14,000	14,000
Atlantic states marine fisheries	1,000	1,000
Benefits	3,337	3,197
Total	\$ 74,819	\$ 70,769
Estimated source of funds for marine fisheries:		
Fish and game	\$ 74,819	\$ 70,769
Total	\$1,008,995	\$ 960,128
Estimated source of funds for fish resources:		
Fish and game	\$1,008,995	\$ 960,128
II Game resources:		
(a) Damage:		
Personal services:		
Permanent	\$ 17,169	\$ 17,958
Other	2,200	1
Current expenses	10,782	10,909
Travel:		
In state	400	400
Equipment	500	2,600
Other expenditures:		
Benefits	1,743	1,616
Total	\$ 32,794	\$ 33,484
Estimated source of funds for damage:		
Fish and game	\$ 32,794	\$ 33,484

	FISCAL 1974	FISCAL 1975
(b) Management and research:		
Personal services:		
Permanent	\$ 184,657*	\$ 168,045**
Other	300	1
Current expenses	28,381	31,435
Travel:		
In state	800	800
Out of state	840	340
Equipment	8,122	1,715
Other expenditures:		
UNH & Dartmouth projects	15,000	7,000
Cooperative waterfowl banding	2,060	2,060
Forest and farm clearing project	1,000	-
Library service	1,500	1,500
Deeryard habitat analysis	5,000	5,000
Lake Francis rental	2,000	2,000
Benefits	16,646	15,124
Land acquisition	15,000	8,000
Total	\$ 281,306	\$ 243,020
Estimated source of funds for management and research:		
Fish and game	\$ 281,306	\$ 243,020
*Position #19 to remain vacant until July 1, 1975.		
**Positions #18 and #41 to be vacant on or before July 1, 1974 and remain unfilled through fiscal 1975.		
Total	\$ 314,100	\$ 276,504
Estimated source of funds for game resources:		
Fish and game	\$ 314,100	\$ 276,504
III Law enforcement:		
(a) Districts 1-6:		
Personal services:		
Permanent	\$ 451,675	\$ 460,887*
Current expenses	39,585	46,858
Travel:		
In state	82,358	65,358
Out of state	45	
Equipment	40,040	55,000
Other expenditures:		
Benefits	40,651	41,480
Accrued liability	30,172a	30,172a
Total	\$ 684,526	\$ 699,755
Estimated source of funds for districts 1-6:		
Fish and game	\$ 659,526	\$ 674,755
General	25,000	25,000
Total	\$ 684,526	\$ 699,755
*Positions #60 and #73 to be funded only thru January 4, 1974 and to remain vacant thru fiscal 1975. Also, upon promotion of two existing conservation officers their positions shall remain unfilled thru fiscal 1975.		
(b) Administration and support:		
Personal services:		
Permanent	\$ 47,738*	\$ 40,111*
Other	5,500	5,500
Current expenses	15,000	16,000
Travel:		
In state	2,500	2,600
Out of state	100	-

	FISCAL 1974	FISCAL 1975
	\$ 300	\$ 350
Equipment		
Other expenditures:		
Benefits	4,791	4,105
Accrued liability	1,284a	1,284a
Total	\$ 77,213	\$ 69,950
Estimated source of funds for administration and support:		
Fish and game	\$ 77,213	\$ 69,950
*Position #57 to remain unfilled when vacant and abolished on or before July 1, 1974.		
Total	\$ 761,739	\$ 769,705
Estimated source of funds for law enforcement:		
Fish and Game	\$ 736,739	\$ 744,705
General	25,000	25,000
Total	\$ 761,739	\$ 769,705
IV Administration and support:		
(a) Commission:	\$ 50	\$ 50
Current expenses		
Travel:		
In state	1,175	1,175
Total	\$ 1,225	\$ 1,225
Estimated source of funds for commission:		
Fish and game	\$ 1,225	\$ 1,225
(b) Office of director:		
Salary of director	\$ 18,465	\$ 18,466
Personal services:		
Permanent	7,603	7,621
Travel:		
In state	965	1,060
Out of state	985	985
Equipment		
Other expenditures:		
Adams point		
Benefits		
Total	\$ 90,247	\$ 91,535
Estimated source of funds for information and education:		
Fish and game	\$ 90,247	\$ 91,535
(d) Maintenance and construction:		
Personal services:		
Permanent	\$ 163,122	\$ 165,414
Other	1,000	1
Current expenses	18,900	35,800
Travel:		
In state	3,000	1,100
Out of state	500	-
Equipment	3,000	4,000
Other expenditures:		
Adams point	5,000	5,000
Benefits	14,771	14,887

Total	<u>FISCAL 1974</u> <u>\$ 209,293</u>	<u>FISCAL 1975</u> <u>\$ 226,202</u>
Estimated source of funds for maintenance and construction:		
Fish and game	<u>\$ 209,293</u>	<u>\$ 226,202</u>
(c) Business management:		
Personal services:	\$ 139,646*	\$ 141,434
Permanent	1,224	1
Other	65,857	61,647
Current expenses	500	1
Equipment		
Other expenditures:	12,678	12,729
Benefits	16,800e	17,640e
Overhead	9,341a	9,341a
Accrued liability		
Total	<u>\$ 246,046</u>	<u>\$ 242,193</u>
Estimated source of funds for business management:		
Fish and game	<u>\$ 246,046</u>	<u>\$ 242,193</u>
*Position #168 shall be abolished.		
Total	<u>\$ 577,176</u>	<u>\$ 592,236</u>
Estimated source of funds for administration and support:		
Fish and game	<u>\$ 577,176</u>	<u>\$ 592,236</u>
Total for fish and game department	<u>\$ 2,662,010*</u>	<u>\$ 2,598,573*</u>
Estimated source of funds for fish and game department:		
Federal	\$ 433,598	\$ 399,213
Fish and game	2,203,412	2,174,360
General	25,000	25,000
Total	<u>\$ 2,662,010</u>	<u>\$ 2,598,573</u>

\* This amount available for expenditures only if federal funds are available. Any funds in excess of the estimated federal grants shall be available for such further expenditure as the Governor and Council shall approve. Any decrease in federal funds will be implemented by a proportionate decrease in all classes of expenditure as recommended by the Fish and Game Commission and approved by the Governor and Council, including any permanent personal services formerly covered by federal funds.

The Comptroller, in a form acceptable to him, shall require the Director of the Fish and Game Department to prepare a listing of all claims against available federal funds allocated to the Fish and Game Department as of June 30, 1973 and submitted to the Comptroller no later than July 10, 1973. All claims listed shall be reviewed by the Department of Administration and Control and compared to the records maintained at Fish and Game to insure that all direct and applicable indirect federal participating expenditures through June 30, 1973 have been included. All federal project records must be completely up-to-date at all times and billings for federal reimbursements must be made on a timely basis. A federal project status report, as prescribed by the Comptroller, must be submitted quarterly - on October 10, January 10, April 10, and July 10 - to the Department of Administration and Control for review.

Prior to closing the state accounts for fiscal year 1973, the Comptroller shall record the claims as federal revenue in the Fish and Game Fund. All prior year reimbursements from federal in excess of the amount recorded as of June 30, 1973 shall be deposited to the Fish and Game Fund.

Provisions of RSA 206:36 shall be suspended for the biennium ending June 30, 1975.

86 Increasing the Appropriation for State Prison \$11,350 in 1974, and \$70,366 in 1975. Amend 1973, 376:31, III by striking out said paragraph and inserting in place thereof the following:

III Custodial care:			
Salary of deputy warden	\$ 14,286	\$ 14,286	
Other personal services:			
Permanent	581,517	656,172	
Other	178,580	161,589	
Current expenses:			
Food	133,575*	139,950*	
Other	77,425	81,050	
Equipment:			
Motor vehicles	---	8,000	
Other	1,500	900	
Other expenditures:			
Awards - gate money	12,000	12,000	
Custody of certain inmates	4,000**	4,000**	
Inmate wages	26,500	26,500	
Halfway house	50,000	50,000	
Classification counselor service	13,000	---	
Benefits	68,794	75,649	
Total	<u>\$1,161,177</u>	<u>\$1,230,096</u>	
Estimated source of funds for			
custodial care:			
Transfer from crime commission	\$ 145,973	\$ 134,503	
General	<u>1,015,204</u>	<u>1,095,593</u>	
Total	<u>\$1,161,177</u>	<u>\$1,230,096</u>	

\*In this appropriation \$23,500 shall be for products used from the institution's farm, and no part of this amount shall be transferred or expended for any other purpose, the institution's farm shall receive credit for all products used even though in excess of \$23,500 for 1974 and \$23,500 for 1975.

\*\*This appropriation shall be available for the custody of unmanageable inmates in out of state institutions or federal penitentiaries when no suitable institution exists in New Hampshire. Any payments out of this appropriation shall be made with approval of the governor and council. This fund may also be used for such inmates who have been sent to such out of state institutions from the Laconia state school and the New Hampshire hospital. No part of this appropriation shall be transferred to any other appropriation or expended for any other purpose.

Further amend 1973, 376:31 by striking out paragraph VI and inserting in place thereof the following:

VI Prison industries:			
Personal services:			
Permanent		\$ 98,344	\$ 98,909
Other		3,100	4,000
Current expenses:			
Materials for manufacturing		75,000a	100,000a
Fuel		30,000	30,000
Other		32,000	33,000
Travel:			
In state		50	50
Out of state		275	275
Equipment		375	---
Other expenditures:			
Inmate wages		17,450	17,850
Benefits		<u>9,049</u>	<u>9,100</u>
Total		<u>\$265,643</u>	<u>\$293,184</u>
Estimated source of funds for prison			
Industries:			
Prison Industries income		\$170,000	\$400,000
General		<u>95,643</u>	<u>(106,816)</u>
Total		<u>\$265,643</u>	<u>\$293,184</u>

87 Increasing the Appropriation to the State Library \$102,645 in 1974, Amend 19, striking out said section and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975		FISCAL 1974	FISCAL 1975
<b>State Library.</b>					
<b>I Central library services:</b>					
Salary of librarian	\$ 16,107	\$ 16,107	Estimated source of funds for cooperative services:		
Salary of assistant librarian	13,911	13,988	Federal	\$ 41,716	\$ -
Other personal services:			General	-	6,334
Permanent	71,389	72,924	Total	<u>\$ 41,716</u>	<u>\$ 6,334</u>
Current expenses	12,820	12,820			
Travel:			<b>(b) Specific group services:</b>		
In state	700	700	Personal services:		
Out of state	650	650	Permanent	\$322,536	\$326,016
Equipment	35,071	24,580	Other	1,100	1,200
Other expenditures:			Current expenses	45,773	45,598
Grants to institutional libraries	29,509	-	Travel:		
Benefits	9,127	9,272	In state	5,300	5,300
Total	<u>\$189,284</u>	<u>\$151,041</u>	Out of state	900	950
			Equipment	94,890	91,479
Estimated source of funds for central library services			Other expenditures:		
Federal	\$ 53,700	\$ -	Grants	27,754	-
General	135,584	151,041	Benefits	29,127	29,449
Total	<u>\$189,284</u>	<u>\$151,041</u>	Total	<u>\$527,382</u>	<u>\$499,992</u>
<b>II Community library services:</b>			Estimated source of funds for specific group services:		
<b>(a) Cooperative services:</b>			Federal	\$268,031	\$ -
Personal services:			Revenue from Maine and Vermont	17,500	17,500
Permanent	\$ 5,838	\$ 5,838	General	241,851	482,492
Current expenses	15,750	-	Total	<u>\$527,382</u>	<u>\$499,992</u>
Equipment	-	-			
Other expenditures:			Total	<u>\$569,098</u>	<u>\$506,326</u>
Grants	19,632	-			
Benefits	496	496			
Total	<u>\$ 41,716</u>	<u>\$ 6,334</u>			

	FISCAL 1974	FISCAL 1975
Estimated source of funds for community services:		
Federal	\$309,747	\$ -
Other	17,500	17,500
General	241,851	488,826
Total	<u>\$569,098</u>	<u>\$506,326</u>
Total for state library	<u>\$758,382</u>	<u>\$657,367*</u>
Estimated source of funds for state library:		
Federal	\$363,447	\$ -
Other	17,500	17,500
General	377,435	639,867
Total	<u>\$758,382</u>	<u>\$657,367</u>

\*In the event any federal funds become available for programs funded by this appropriation they are hereby appropriated and the general fund appropriation shall be reduced by the amount of said federal funds.

88 Reducing the Appropriation for Office of Comprehensive Planning \$178,020 in 1974, and \$209,640 in 1975. Amend 1973: 3.VI by striking out said paragraph and inserting in place thereof the following:

VI Office of comprehensive planning:	
Personal services:	
Permanent	\$166,598
Other	96,900
Current expenses	131,079
Travel:	18,188
In state	2,800
Out of state	5,800
Equipment	4,100
	2,800
	4,515

#### Other expenditures:

Contractual expenses	108,200*	91,500*
Project inspection fees	2,825	3,000
Benefits	12,800	26,311
Grants:		
Regional assistance	334,500**	260,000**
N.E. river basins commission	27,580	28,960
Total	<u>\$777,291</u>	<u>\$747,022</u>

Estimated source of funds for office of comprehensive planning:	
Federal	\$408,600
General	368,691
Total	<u>\$777,291</u>

\*No portion of this appropriation shall be expended for consultants employed in state service.

\*\*This appropriation shall be for the six regional planning areas and may not be transferred or expended for any other purpose.

89 Appropriation to Establish a Criminal Justice Comprehensive Data System. There is hereby appropriated for the governor's commission on crime and delinquency, in addition to any other funds appropriated, \$15,000 for fiscal 1974, for the development of a proposal for a master plan for a criminal justice comprehensive data system for submission to the 1975 general court. The governor may draw his warrant from any funds in the treasury not otherwise appropriated and this appropriation may not be transferred or used for any other purpose and shall not lapse until June 30, 1975.

90 Effective date. This act shall take effect upon its passage.

At the request of Rep. Nelson, Rep. Drake answered questions.

Amendment adopted.

Ordered to third reading.

### HB 3

relative to establishment of a food stamp program and making an appropriation therefor. Ought to pass with amendment. Rep. Drake for Appropriations.

### AMENDMENT

Amend the bill by striking out all after section 1 and inserting in place thereof the following new sections:

2 Appropriation. There is hereby appropriated to the division of welfare of the department of health and welfare for the fiscal year ending June 30, 1974 and for the fiscal year ending June 30, 1975 the following sums which shall be expended as follows:

	1974	1975
Food Stamp Program:		
Personal Services:		
Permanent	\$73,996	\$656,258
Other	2,162	25,945
Current Expenses	15,083	136,222
Travel:		
In-State	4,186	36,570
Out-of-State	364	3,180
Equipment	60,505	18,632
Other Expenditures:		
Merit System	328	2,848
Benefits	7,234	64,802
System Development and Support	73,596*	57,460
Coupon Issuance	4,500*	537,900
Staff Training	3,000	1,400
<b>TOTAL</b>	<b>\$244,954</b>	<b>\$1,541,217</b>

Estimated Source of Funds for Food Stamp Program:

Federal	\$47,563	\$384,690
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General	197,391	1,156,527
<b>TOTAL</b>	<b>\$244,954</b>	<b>\$1,541,217</b>

\*This appropriation shall not lapse until June 30, 1975.

The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 Personnel to Establish Appropriate Salary Grades. Expenditure of the funds appropriated in this act for the establishment of new classified positions shall be subject to final determination by the department of personnel as to the appropriateness of the salary grades.

4 Effective Date. This act shall take effect upon its passage.

Rep. Nelson moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion and subsequently withdrew his motion.

Rep. Drake explained the bill.

Amendment adopted.

Ordered to third reading.

#### HB 4

providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance. Ought to pass with amendment. Rep. Drake for Appropriations.

#### AMENDMENT

Amend the bill by striking out the four whereas clauses.

Further amend the bill by striking out all after the enactment clause and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated to the division of welfare, department of health and welfare, the sum of six hundred forty-one thousand four hundred seventy-six dollars from the general funds of the state, and one million forty-eight thousand eight hundred forty-two dollars from federal

funds for the 1975 fiscal year for the purpose of improving the assistance standards for recipients of aid to families with dependent children. Such sums shall be in addition to any other sums appropriated to the division of welfare for the fiscal year ending June 30, 1975. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

2 Authorizing Flat Grant Payments. Amend RSA 167:7, as amended, by striking out said section and inserting in place thereof the following:

167:7 Amount of Assistance. The director of the division of welfare, department of health and welfare, shall establish standards of assistance, and shall determine the amount of assistance to be granted under this chapter or RSA 161. In the determination of assistance due regard shall be given to income and resources of recipients and the funds appropriated for purposes of this chapter and RSA 161. The director of the division of welfare shall in appropriate cases give notice to (consult with) the proper officials of counties or towns hereby required to contribute to the cost thereof.

3 Effective date. This act shall take effect upon its passage.

Rep. George I. Wiggins moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion, and subsequently withdrew his motion.

Amendment adopted.

Ordered to third reading.

## HB 17

increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mileage Rate. Amend RSA 99-A:1, as inserted by 1955, 257:1, as amended, by striking out said section and inserting in place thereof the following:

99-A:1 State Officials and Employees. State officials and employees required to use their private cars in the conduct of official business for the state shall be reimbursed for mileage at a rate of twelve cents per mile.

2 Appropriation. There are hereby appropriated for fiscal year ending June 30, 1975 for the purpose of section 1 of this act the following sums: \$64,126 from general funds, \$35,452 from highway funds, \$1,000 from fish and game funds, \$30,409 from special funds. The governor is authorized to draw his warrant for the money hereby appropriated which shall be a charge against the general fund and against each special fund as designated.

3 Effective Date. This act shall take effect July 1, 1974.

Amendment adopted.

Ordered to third reading.

### HB 33

relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission. Ought to pass with amendment. Rep. Drake for Appropriations.

### AMENDMENT

Amend RSA 149-G:6, I as inserted by section 2 of the bill, by striking out said paragraph and inserting in place thereof the following:

I. The commission shall annually, at the beginning of each fiscal year, assess each municipality served by the regional sewage disposal facilities provided for by this chapter, a sum sufficient to recover its proportional share of the total in relation to the total costs estimated to be incurred during said fiscal year in treating, transporting and disposal of sewage of the communities served and those to be served; the proportional share of each community shall be determined by the procedure provided for in paragraph IV.

Amend RSA 149-G:6, II, as inserted by section 2 of the bill, by striking out said paragraph and inserting in place thereof the following:

II. The commission shall annually, at the beginning of

each fiscal year, assess each municipality served or to be served by the regional sewage disposal facilities provided for by the provisions of this chapter the costs estimated to be incurred during said fiscal year in administering this chapter, plus a charge for amortization charges thereon of all facilities amounting to five percent of the total amortization charges, meaning principal and interest, thereon. The proportional share of each community's costs shall be determined by the procedure provided for in paragraph IV.

Amend RSA 149-G:6, III, as inserted by section 2 of the bill, by striking out said paragraph and inserting in place thereof the following:

III. The respective share of the assessments made in paragraphs I and II shall be paid to the commission by each municipality quarterly on July fifteenth, October fifteenth, January fifteenth and April fifteenth of that fiscal year. After the close of each fiscal year, the commission shall ascertain its actual total expenses in accordance with the foregoing provisions, and then shall adjust the assessment for the first quarterly payment of the new fiscal year for each such municipality served for any under-payment or over-payment by each such municipality served for the prior fiscal year.

Amend RSA 149-G:6, IV, as inserted by section 2 of the bill, by striking out said paragraph and inserting in place thereof the following:

IV. The assessments provided to be made by this section shall be made by taking into account the volume and strength of the industrial, domestic, commercial, and all other waste discharges treated or the estimated volume and strength of the industrial, domestic, commercial and all other waste discharges to be treated and techniques of treatment required. Proportional costs as determined by the water supply and pollution control commission, associated with transporting raw and treated sewage through a major interceptor from a municipality at which it is generated or is to be generated to the point of treatment or discharge shall be allocated to the municipality which uses or will use the interceptor on the basis of volume and distance traveled or estimated volume and distance traveled. In determining said assessments for each municipality, the commission shall abide by federal regulations which govern the allocation of costs and receipt of payments by industry for in-

dustrial discharges. Any operating and maintenance costs over and above what has been determined to be proportional by the commission shall be an obligation of the state.

Amend RSA 149-G:6, as inserted by section 2 of the bill, by striking out paragraphs V and VI and renumbering paragraphs VII, VIII and IX to read respectively as follows :  
V, VI, AND VII .

Amend the bill by striking out section 4 of the bill and inserting in place thereof the following:

4 Committee Membership Enlarged. Amend the laws of 1973, chapter 334, by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby established a special legislative committee to study and report on the existing program and future needs of the water supply and pollution control commission. The committee shall review the efficiency, economy and effectiveness of present procedures, policies and programs of the commission with respect to the handling of the duties and functions assigned to it. The committee shall make recommendation for any additional safeguards, personnel and other measures which it deems necessary in order that the commission may carry out its present and anticipated future responsibilities. Said committee shall consist of thirteen members appointed as follows: three senators from the Senate resources and environmental control committee appointed by the president of the senate, six representatives of the house committee on resources, recreation and development, and one representative of the house appropriations committee appointed by the speaker of the house and three members representing the general public appointed by the governor. The committee shall elect one of its members as chairman. The committee shall report its findings and recommendations to the general court on or before January 15, 1975. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and its political subdivisions, such data, information and assistance as it may deem necessary or desirable for the purposes of this study. The water supply and pollution control commission shall provide the special committee with such of its rules, regulations and procedures as the

committee may request, together with the justification thereof.

Amendment adopted.

Ordered to third reading.

### HB 35

providing for twenty years retirement for members of group II under the N. H. Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor. Refer to Fiscal Committee for interim study. Rep. Drake for Appropriations.

Rep. Weeks explained the committee report.

Rep. Coutermarsh moved that the words, ought to pass, be substituted for the committee report, refer to fiscal committee for interim study, and spoke in favor of the motion.

(discussion)

Reps. George I. Wiggins, Twardus, Daniell, Raymond and Drake spoke against the motion.

Reps. John T. Winn, George E. Gordon, T. Anne Webster, Curran, Sabbow, Palfrey, Huot and George B. Roberts, Jr. spoke in favor of the motion.

Reps. Donnelly, Lebel, Desmarais, Spirou, Cushman, Ezra B. Mann, James A. Humphrey, Colby, McDonough, D'Allesandro, Roderick H. O'Connor, Barka, Nims, Gerry F. Parker, Gorman, Brungot, Sayer, Rock, Gallen, McManus and LaRoche non-spoke in favor of the motion.

Rep. William P. Boucher non-spoke against the motion.

Rep. Hildreth requested a roll call, seconded by Reps. Lamy, T. Anne Webster, Gerry F. Parker, William J. Stevens and Roderick H. O'Connor.

### ROLL CALL

YEAS: 229   NAYS: 91

## YEAS

## BELKNAP COUNTY:

French, Lawton, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Twigg, Huot, Hildreth, Randlett, Sabbow, Maguire.

## CARROLL COUNTY:

Howard, Donalda K., Duprey, Davis, Dorothy W., Clafin, Allen, Webster, T. Anne.

## CHESHIRE COUNTY:

Stevens, Anthony, Johnson, Elmer L., Ladd, Dunham, Yardley, Milbank, Ames, Streeter, Nims, Drew.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Hunt, Burns, Kidder, Victor L., Oleson, Fortier, Valliere, Pryor, Brungot, Gagnon, Rebecca, Theriault.

## GRAFTON COUNTY:

Gallen, Tilton, Jones, Anthony K., Mann, Ezra B., Altman, Warren, Roger K., Buckman, Harrison, Gemmill, Webb, Chambers, Duhaime, Eaton, Myrl R.,

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Mann, Arthur F., Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Thomson, Harold E., Archambault, Orcutt, Knight, Roy, Antonio J., Harvell, Van Loan, Bragdon, Brown, G. Winthrop, Carter, Langdell, Carswell, Dwyer, Geiger, Lyons, Bednar, Nutting, Polak, Currier, Ethier, McLaughlin, Rock, Parker, Gerry F., Record, Woodruff, Cote, Margaret S., Winn, John T., Winn, Cecelia L., Desmarais, Lachance, Lefebvre, McGlynn, Migneault, Aubut, Boisvert, Mason, Sullivan, David T., Wilcox, Coutermarsh, Erickson, Lebel, Daniels, Ackerson, Murphy, Nardi, Smith, Craig D., Spirou, Shea, Dupont, McDonough, Drewniak, Sullivan, Mary J., Beaulieu, Gelinas, Taber, Healy, George T., MacDonald, O'Neil, Dorthea M., Thibeault, P. Robert, Burke, O'Connor, Timothy K., D'Allesandro, Lynch, Lamy, Normand, Bernier.

## MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Bigelow, Parker, Harry C., Deoss, Hanson, Enright, Rice, Gamache, Gordon, George

E., Plourde, Bartlett, Perkins, John B., Cushman, Mattice, Wiggin, Elmer S., Humphrey, James A., Davis, Alice, Underwood, Harriman, Hager.

ROCKINGHAM COUNTY:

King, Stimmell, Davis, Roy W., Kashulines, Skinner, Barka, Gorman, MacGregor, Read, Senter, Campbell, Lemay, Roy, Vesta M., Sayer, Stevens, William J., Spollett, Webster, Clarence L., White, Cummings, Vey, Sanborn, Simard, Tavitian, Rogers, Randall, Akerman, Casassa, Parr, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Twardus, Scamman, Ellis, Maynard, Palfrey, Splaine, Dame, McEachern, Joseph A., Connors, Hodgdon, Keefe, McEachern, Paul.

STRAFFORD COUNTY:

Dawson, Harvey, Colby, Rowell, Dudley, Plumer, Tirrell, Joncas, Bouchard, Maloomian, Chasse, Peter N., Hebert, Meserve, Tanner, Ineson, Thompson, Barbara C., Ruel, Winkley, LaRoche, Preston, Boisse, Bernard, Donnelly, Kincaid, O'Connor, Roderick H., Peabody.

SULLIVAN COUNTY:

Rousseau, Burrows, Lewko, Saggiotes, Scott, Olden.

NAYS

BELKNAP COUNTY:

Hood.

CARROLL COUNTY:

Chase.

CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Slicer, Whipple, Marshala, McGinness, Savage, Gordon, Anne B., Turner, Raymond, Cooke, Close, Scranton.

COOS COUNTY:

Drake, Richardson, Mabel L.

GRAFTON COUNTY:

Curran, Stevenson, Fimlaid, Bradley, Richard L., Clark, Anderson, Fayne E., Krainak, Bradley, David J., Copenhaver, Nutt, Hough, Symons, Townsend, Madeline G., Bell.

HILLSBOROUGH COUNTY:

Colburn, Perkins, Arnold B., Spalding, Kenneth W., Co-



burn, Ferguson, Boyd, Hall, Alukonis, Bergeron, Smith, Leonard A., Richardson, John W., Seamans, Cobleigh, Zechel, Belcourt, Charest, Gabriel, Ouellette, Ainley, Milne, Zachos, Horan, Gardner.

MERRIMACK COUNTY:

Kidder, William F., Chandler, Boucher, Laurent J., Kopperl, Thompson, Doris L., Daniell, Piper, Cate, McLane, Newell, Jones, H. Gwendolyn, Rich, Howard, C. Edwin, Noble.

ROCKINGHAM COUNTY:

Boucher, William P., Soule, Thibeault, George J., DeCesare, Erler, Goodrich, Schwaner, Hamel, Cunningham, Stevens, Elliot A., Weeks, Greene, Lockhart, Griffin.

STRAFFORD COUNTY:

Beckett, Leighton.

SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Spaulding, Roma A., D'Amanate, Frizzell, Wiggins, George I., Williamson.

Rep. Hammond abstained under Rule 16.

and the motion to substitute carried.

Reps. Sununu, Belair, Barrett, Tucker, Daniel J. Healy, Conley, Woodward and Cotton wished to be recorded as voting "yes".

Rep. Huot offered an amendment.

AMENDMENT

Amend the bill by striking out all after section 9 and inserting in place thereof the following:

10 Appropriation. There is hereby appropriated the sum of one hundred fifty-three thousand six dollars for the 1975 fiscal year representing the state's share of the cost of carrying out the purposes of this act. The governor is authorized to draw his warrant for the sums herein appropriated from the money in the treasury not otherwise appropriated.

11 Budget. The board of trustees shall include in its budget submitted to the general court for all fiscal years beginning with the 1976 fiscal year a specific sum representing the state's sub-

sequent appropriation for the cost of carrying out the purposes of this act.

12 Effective Date. This act shall take effect July 1, 1974.

The clerk read the amendment in full.

Rep. Huot explained the amendment.

Rep. Drake spoke in favor of the amendment.

Huot amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Coutermarsh moved reconsideration.

Reconsideration lost.

### SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the calendar on HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORT

#### HB 31

authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor. Ought to pass with amendment. Rep. Drake for Appropriations.

This bill authorizes the Public Utilities Commission, as the sole agent of the state, to acquire railroad properties when deemed to be in the best public interest to maintain the operation of any rail service in the state.

The Public Utilities Commission shall have the authority to sell or lease said railroad properties to private enterprise for the continuance of the rail service.

The bill further provides the commission with condemnation rights pursuant to RSA 498-A, the eminent domain statute.

The commission is authorized to work with Federal authorities and other states where the acquisition, operation and maintenance of rail service to New Hampshire is involved.

A bond issue of eight million dollars for fiscal 1974 is requested to acquire existing available railroad properties.

An appropriation of \$26,723.00 for fiscal 1974 and a sum of \$94,407.00 for fiscal 1975 is requested in this bill.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of two million dollars for the purpose of purchasing, selling or leasing railroad properties and for the maintenance and operation of any railroad properties acquired pursuant to the provisions of RSA 372-A. Said appropriation shall be nonlapsing and may be expended by the Commission for the aforementioned purposes only.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Bond Issue Authorized. To provide funds for the purposes of section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state or to borrow from the federal government, or a combination of both a sum not exceeding two million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend section 5 of the bill by striking out the line "Permanent \$18,757.00      \$54,963.00" and inserting in place thereof the line

(Other \$18,757.00 \$54,963.00)

Rep. Drake explained the bill.

The clerk read the amendment in full.

Amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Drake moved reconsideration of HB's:

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance.

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor.

HB 33, relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission.

Reconsideration lost.

### COMMITTEE REPORTS CONTINUED

#### HB 11

to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire state hospital and making appro-

priations therefor. Inexpedient to legislate. Rep. Drake for Appropriations.

Rep. Roderick H. O'Connor moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire Hospital and making appropriations therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Classified Salaries for Second Year of the Biennium. Amend RSA 99:1-a (supp), as inserted by 1973, 377:2, by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees, commencing June 21, 1974 shall be established as follows:

Salary Grade	Min.	Step 1	Step 2	Step 3	Max.
1	5415.02	5541.12	5666.44	5792.80	5917.34
2	5541.12	5666.70	5791.24	5916.30	6041.36
3	5666.70	5791.24	5915.26	6040.06	6165.38
4	5751.46	5913.44	6078.54	6272.24	6478.16
5	5916.04	6122.74	6359.60	6596.72	6834.10
6	6115.98	6352.84	6590.48	6827.60	7061.46
7	6377.54	6652.36	6927.18	7201.74	7476.56
8	6608.16	6882.98	7164.04	7432.36	7767.18
9	6838.00	7113.08	7381.64	7662.72	7937.54
10	7074.86	7343.70	7618.52	7898.80	8268.00
11	7299.24	7643.48	7988.24	8333.00	8677.76
12	7629.70	8015.02	8400.08	8785.40	9170.72

13	7845.76	8276.06	8711.82	9144.72	9577.88
14	8284.12	8734.18	9183.98	9634.04	10083.84
15	8685.56	9155.52	9619.48	10089.04	10555.74
16	8954.92	9441.64	9928.10	10411.96	10901.02
17	9227.66	9733.88	10237.24	10740.34	11243.96
18	9620.78	10155.08	10689.38	11223.68	11757.00
19	10014.16	10576.54	11141.78	11707.02	12269.66
20	10421.32	10986.56	11554.66	12122.76	12690.86
21	10829.00	11399.70	11970.40	12538.50	13109.00
22	11351.34	12009.40	12667.20	13322.66	13983.58
23	11871.34	12554.62	13238.00	13918.58	14604.72
24	12391.08	13099.58	13808.34	14516.84	15225.00
25	13237.12	14004.00	14769.56	15534.74	16302.00
26	13655.72	14437.28	15221.96	16003.78	16785.60
27	14074.58	14873.04	15671.76	16470.22	17271.80
28	14515.28	15356.12	16196.96	17037.80	17878.64
29	14958.84	15839.46	16722.16	17602.00	18485.48
30	15403.18	16325.00	17247.00	18170.36	19095.44
31	16471.00	17430.14	18391.00	19350.76	20312.50
32	17539.34	18537.74	19533.28	20531.68	21530.08
33	18835.44	19934.98	21034.52	22131.20	23230.74
34	20134.14	21332.00	22533.16	23730.98	24931.92

2 Date Change. Amend RSA 99:3 (supp) , as amended by striking out said section and inserting in place thereof the following:

99:3 Increase in Salary. Classified employees of the state as of June 21, 1974 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

3 Appropriations. There is hereby appropriated for the fiscal year ending June 30, 1975 for the salary increases for classified state employees as provided herein, the following sums: \$2,141,689 from the general funds of the state; \$1,029,277 from highway funds; \$106,886 from fish and game funds; \$550,-267 from federal funds; and \$130,639 from self-sustaining and toll funds. The governor is authorized to draw his warrants for the sums hereby appropriated.

4 Appropriations for Temporary and Seasonal. There is

hereby appropriated for the fiscal year ending June 30, 1975 for salary increases for temporary and seasonal employees as provided herein, the following sums: \$314,828 from the general funds of the state; \$112,191 from highway funds; \$6,840 from fish and game funds; \$132,064 from federal funds; and \$19,465 from self-sustaining and toll funds. The governor is authorized to draw his warrants for the sums hereby appropriated.

5 Appropriations for Retirement and OASI. There is hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal year ending June 30, 1975 the following sums: \$182,043 from the general funds of the state; \$87,488 from highway funds; \$9,085 from fish and game funds; \$46,772 from federal funds; and \$11,104 from self-sustaining and toll funds.

6 Appropriations for Retirement and OASI; Temporary and Seasonal. There is hereby appropriated for fiscal year ending June 30, 1975 for retirement and OASI for temporary and seasonal employees as provided herein the following sums: \$22,037 from the general funds of the state; \$8,302 from highway funds; \$478 from fish and game funds; \$9,244 from federal funds; and \$1,362 from self-sustaining and toll funds.

7 University System Employees. There is hereby appropriated for fiscal year ending June 30, 1975 the sum of \$1,099,280. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the annual salaries of those employees of the university system whose salaries are equivalent to those within the state classified employee salary structure by \$520, effective June 21, 1974. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

8 Hazardous Pay for Prison Personnel and Correctional Psychiatric Aides. Amend RSA 99 by inserting after section 9 the following new section:

99:10 N. H. State Prison and State Hospital. Classified employees at the state prison and correctional psychiatric aides at the state hospital shall be paid in addition to their regular salary, hazardous duty pay in the amount of twenty-five dollars per week.

9 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1975 the sum of two hundred one thou-

sand five hundred dollars for the purposes of section 8 of this act. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

10 Effective Date. This act shall take effect June 21, 1974.

Rep. Arthur F. Mann moved to suspend with the reading of the amendment.

Adopted.

Rep. O'Connor spoke in favor of the motion.

Reps. Williamson, George E. Gordon, Gerry F. Parker and Coutermarsh spoke in favor of the motion.

(discussion)

Rep. Drake spoke against the motion.

Reps. McDonough, Rich and Fred E. Murray non-spoke in favor of the motion.

Rep. Curran non-spoke against the motion.

On a vv the Speaker was in doubt and requested a division.

170 members having voted in the affirmative and 97 in the negative, the motion carried.

O'Connor amendment adopted.

Rep. Plumer abstained from voting under rule 16.

Ordered to third reading.

### RECONSIDERATION

Rep. Coutermarsh moved reconsideration on HB 11.

Reconsideration lost.

### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading, be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House.

Adopted.



## Third reading and final passage

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance.

HB 11, to increase the salaries of state classified employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire hospital and making appropriations therefor.

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public and making an appropriation therefor.

HB 33, relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission.

HB 35, providing for twenty years retirement for members of group II under the N. H. Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.

## RECESS

## AFTER RECESS

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILLS &amp; SJR

## First, second reading &amp; referral

SB 3, changing the compensation of certain state law en-

forcement employees and fees of witnesses. Executive Departments and Administration.

SB 15, transferring permanent state prison employees from group I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II, and making an appropriation therefor. Executive Departments and Administration.

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission. Resources, Recreation and Development.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights. Judiciary.

SJR 1, compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists. Veteran, Military Affairs and Claims.

#### COMMITTEE REPORTS CONTINUED

##### HB 15

relative to redistricting the ward lines of the city of Laconia. Ought to pass with amendment. Rep. Hood for Laconia Delegation.

Amendment changes the ward lines and referendum date.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Ward Lines Changed. Amend 1893, 241:2 as amended by 1901, 200:2; 1903, 192:1 and 213; and 1959, 419:1 by striking out said section and inserting in place thereof the following:

SECT. 2 The said city of Laconia is hereby divided into six wards, which shall be constituted as follows:

Ward No. 1 shall contain all that part included within and bounded by the following lines: beginning at the easterly shore of Lake Winnisquam at the Meredith town line; then south

along said eastern shore to the northerly property line of property fronting on the north side of Sands terrace; then south along the easterly property lines of property fronting on the east side of Sands terrace and Shore drive to the southerly property line of property fronting on the south side of Lexington drive; then east along the southerly property line of property fronting on the south side of Lexington drive to the easterly property line of property fronting on the east side of Lynnewood road; then south along the easterly property lines of property fronting on the east side of Lynnewood road to an intersection with Holman street; then east to the intersection of North Main street and Pleasant street; then south along the center line of North Main street to the center of the intersection with Busiel street; then east from said intersection to a point equidistant between the east and west shores of Lake Opechee; then north along the center line of Lake Opechee to the northern shore of such lake to an unnamed brook which flows into said lake; then north along the center of said brook to the intersection of said brook at Elm street; then northeast from said point to the western shore of Paugus bay; then north along said western shore to the Weirs bridge; then north along the western shore of Lake Winnepesaukee to the Meredith town line; then southwest along said town line to the point of beginning.

Ward No. 2 shall include all that part of said city contained within the territory as follows: starting at a point in the Winnepesaukee river westerly of an extension of the southernmost property lines of property fronting on the south side of Arch street; then east along said extension to the easternmost property line of property fronting on the east side of Union avenue; then north along the easterly property lines of property fronting on the east side of Union avenue to the southernmost property line of property fronting on the south side of Winter street; then east along the southerly property lines of property on the south side of Winter street to the Gilford town line; then north, then west, then north along the Gilford town line to a line on an extension of the southernmost property lines of property fronting on the south side of Mechanic street; then west along said extension to the easterly property line of property fronting on the east side of Union avenue; then north across Mechanic street along said easterly property line to the westerly property lines of property fronting on the west side of Mechanic street; then north along said westerly property lines to the

southerly property line of property fronting on the south side of Clinton street; then west along the southerly property lines of property fronting on the south side of Clinton street to the Clinton street bridge; then south along the eastern shore of Lake Opechee to the point of beginning.

Ward No. 3 shall include all that part of said city bounded as follows: beginning at the southern boundary of Ward No. 1 and Lake Winnisquam; then south along the eastern shore of said lake to the Winnepesaukee river; then east and then north along the northern and eastern shores of the Winnepesaukee river to the southern boundary of Ward No. 1; then west along said boundary to the point of beginning, provided that Eagar island shall be in Ward 4.

Ward No. 4 shall include all that part of said city bounded as follows: beginning at the Belmont town line and Lake Winnisquam; then east along said town line to the Gilford town line; then north and then west along the Gilford town line to the point where the Gilford town line follows a northerly course; then southwest to the northern property line of property fronting on the north side of Province road; then northwest along the northern property line of property fronting on the north side of Province road to the intersection with the eastern property line of property fronting on the east side of South Main street; then north along said eastern property line to the southern boundary of Ward No. 3 at the Winnepesaukee river; then west along said southern boundary to the mouth of said river; then southwest along the eastern shore of Lake Winnisquam to the point of beginning.

Ward No. 5 shall include all that part of said city lying southerly and easterly of Ward No. 2 not embraced in said ward, that part to the north of Ward No. 4 and to the east of Ward No. 3 and bounded on the east by the Gilford town line.

Ward No. 6 shall include all that part of said city to the north and east of Ward No. 2 and east of Ward No. 1 not embraced in said wards.

Amend the bill by striking out sections 6 and 7 and inserting in place thereof the following:

6 Special Ballot. The Laconia city council shall authorize the city clerk to prepare a separate ballot to be used at the regu-

lar biennial election to be held in November, 1974, for the referendum provided in section 7 of this act.

7 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular biennial election to be held in the city of Laconia in November, 1974. The city clerk then in office shall cause to be placed on a separate ballot the following question: "Shall the provisions of 'An Act relative to redistricting the ward lines of the city of Laconia' passed by the 1974 special session of the general court be adopted?" Said question shall be printed in the form prescribed by RSA 59:12-a. If a majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted. The city clerk shall, within ten days after said election, certify the result of the vote on the above question to the secretary of state.

Amendment adopted.

Ordered to third reading.

### HCR 3

relative to the protection of the New Hampshire Fishing Industry. Ought to pass. Rep. Tirrell for Fish and Game.

Unanimous approval by the committee.

Ordered to third reading.

### HCR 2

establishing a joint committee to study the railroad conditions and related matters in the state of New Hampshire. Ought to pass. Rep. Chase for Statutory Revision.

The ad hoc committee has accumulated information that should be supplemented by further studies that will result in recommendations for future legislation.

Ordered to third reading.

The Speaker requested a quorum count.

261 members having answered the count, a quorum was declared present.

## COMMUNICATION

At the regular meeting of the Hampstead Board of Select-

men, held on March 2, 1974, the following resolution was adopted:

In recognition of 27 years of faithful and sincere service to the Town of Hampstead as Selectman and with powers granted this Board under the Laws of the State of New Hampshire, we hereby appoint the Honorable Doris M. Spollett as Honorary Chairman of the Hampstead Board of Selectmen.

Charles W. Lindquist, Jr.

Laurence C. Cornwell

### COMMITTEE REPORTS CONTINUED

#### HB 34

relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products.

1. Unanimous report: The committee moves that the bill be divided as follows: Division 1, Sections 1, 2 and 3 of the bill with an effective date. Division 2, Section 4 of the bill with an effective date.

2. On Division 1 — Majority: Ought to pass with amendment. Rep. Greene for Environment and Agriculture. Minority: Ought to pass with further amendment (Reps. Read, MacGregor, and Curran).

Majority: Basically the original analysis is an accurate description of the amended bill and further clarifies details of it. Broadly speaking all concerned parties are in agreement with the amended version with one exception. This will be considered in a further amendment to be offered from the floor.

Minority: To show that the Legislature desires to allow the decision on the location of an oil refinery to be made by the Energy Facility Evaluation Committee rather than by local ordinance or regulation.

The amendment also increases the size of the Energy Facility Committee by adding the Chairman of the Board of Selectmen or the Mayor; and the Chairman of the Zoning Board of the town or city where the major portion of the refinery is proposed to be located.

3. On Division 2 Report of the committee as recommended by Ways and Means Committee:

A. That Division 2 be referred to the Ways and Means Committee of the House for interim study and report to the 1975 session of the Legislature.

B. That Division 2 be referred to the Supreme Court for an advisory opinion as to the constitutionality thereof.

C. That the resolution referring the same to the Supreme Court be adopted.

Reps. Ruel and Kashulines withdrew from the minority report.

### AMENDMENT

Amendment to Division 1 of the bill:

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Chapter. Amend RSA by inserting after chapter 162-G the following new chapter:

#### Chapter 162-H Energy Facility Evaluation, Siting, Construction and Operations

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic growth of the state and the environment of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; that the state insure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic and technical issues are resolved in an integrated fashion; and that existing laws do not provide adequate public review and control over the construction and operation of energy facilities. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities.

162-H:2 Definitions.

I. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed energy facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for the temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

II. "Committee" means the energy facility evaluation committee established by this chapter.

III. "Energy" means power derived from a natural resource, including, but not limited to, oil, coal, and gas.

IV. "Energy facility" means any industrial structure, other than bulk power supply facilities as defined in RSA 162-F:2, that may be used substantially to extract, manufacture, or refine sources of energy, and means also such ancillary facilities as may be used or useful in transporting, storing, or otherwise providing for the raw materials or products of any such industrial structure; without limiting the generality of the foregoing, such industrial structures include oil refineries, plants for processing liquefied natural gas, and plants for coal conversion; further without limiting the generality of the foregoing, such ancillary facilities include onshore and offshore loading and unloading facilities, pipelines, and storage tanks.

V. "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

162-H:3 Energy Facility Evaluation Committee. The energy facility evaluation committee shall consist of the members of the bulk power supply facility site evaluation committee established by RSA 162-F:3.

#### 162-H:4 State Permits.

I. No person may commence construction or operation of an energy facility in this state without a permit from the energy facility evaluation committee.

II. The committee shall incorporate in any permit issued



hereunder such terms and conditions as may be specified to the committee by any of such other state agencies as have jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any permit hereunder if any of such other state agencies denies authorization for the proposed activity over which it has jurisdiction. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency. Notwithstanding any other provision of law, the application required by RSA 162-H:6 shall be in lieu of all applications otherwise requirable by any of such other state agencies. Further notwithstanding any other provision of law, the hearings conducted under RSA 162-H:8 shall be joint hearings with such other state agencies and shall be in lieu of all hearings otherwise requirable by any of such other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in hearings under this chapter; provided further, however, the ability or inability of any of such other state agencies so to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter. Subject to RSA 162-H:6, III, but notwithstanding any other provision of law, each of such other state agencies shall make and submit to the committee a final decision on such parts of the application as relate to its jurisdiction not later than five months after it has received a copy of such parts in accordance with RSA 162-H:6, I. Notwithstanding any other provision of this section or this chapter, each of such other state agencies shall retain all of its powers and duties of enforcement.

#### 162-H:5 Powers of the Committee.

I. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate.

II. The committee shall have the authority and responsibility for:

(a) The issuance of any permit hereunder;

(b) The determination of the terms and conditions of any permit issued hereunder, subject to RSA 162-H:4;

(c) The monitoring of the construction and operation of any energy facility granted a permit hereunder; and

(d) The enforcement of the terms and conditions of any permit issued hereunder.

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a permit hereunder to such state agency or official represented on the committee as it deems appropriate, but, subject to RSA 162-H:4, it may not delegate the authority to hold hearings, issue permits, determine the terms and conditions of a permit or to enforce a permit. An authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the permit. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect those records of the permit-holder that are relevant to the terms or conditions of the permit.

#### 162-H:6 Application for Permit.

I. Each application hereunder shall contain sufficient information to satisfy the application requirements of each of such other state agencies as have jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility. Upon receipt of an application, the committee shall immediately make copies thereof, the cost of which making shall be borne by the applicant, and shall immediately forward to each of such other state agencies a copy of such parts of the application as are relevant to its jurisdiction. Upon receipt of such a copy, each of such other state agencies shall immediately conduct a preliminary review thereof to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any such other state agencies, that agency shall, in writing, immediately notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by RSA 162-H:10 on the committee and

by RSA 162-H:4 on such other state agencies, any application made hereunder shall be deemed not received either by the committee or by any of such other state agencies if the applicant is seasonably notified that it has not supplied sufficient information for any of such other state agencies in accordance with this subsection.

II. An application hereunder shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility;

(b) Identify both the first choice and any other choice for the site of each major part of the proposed facility;

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment of each site proposed, whether as first choice or as other choice, for such part;

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems;

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility;

(f) Provide such additional information as the committee may require to carry out the purposes of this chapter.

Upon receipt of such an application, the committee shall immediately conduct a preliminary review thereof to ascertain if it contains sufficient information in accordance with this subsection. If the application does not contain such sufficient information, the committee shall, in writing, immediately notify the applicant of that fact and specify what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations imposed by RSA 162-H:10 on the committee and by RSA 162-H:4 on other state agencies, an application made hereunder shall be deemed not received either by the committee or by any of such other state agencies, if the applicant is seasonably notified that it has not supplied sufficient information in accordance with this subsection.

III. An application hereunder, in any of its aspects, may be reasonably modified before and during the period of hear-

ings with the consent of the committee; provided, however, if any of such other state agencies as have jurisdiction, under state or federal law, to regulate the subject matter of such modification has already made a decision in accordance with RSA 162-H:4, it may alter such decision in reasonable response to such modification; provided further, however, if to allow reasonable inquiry into such modification, the committee or any of such other state agencies needs time in addition to that provided for it by this chapter, it may take as much additional time as is necessary, but no more additional time than is necessary, to allow such reasonable inquiry.

162-H:7 Disclosure of Ownership. Any application for a permit shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association or corporation;

II. If an association, the names and residences of the members of the association;

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders;

IV. The location or locations where a client is to conduct his business;

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant;

VI. Within four months after the close of each fiscal year of the applicant, it shall file with the committee a statement either that there has been no substantial change in any of the information in the application or a description of any such changes as have occurred.

162-H:8 Public Hearing; Rules. Upon receipt of an application for a permit, pursuant to RSA 162-H:6, the committee shall hold a public hearing in the county in which the principal part of proposed facility, which part shall be determined by the committee, is to be located within sixty days and shall publish a public notice not less than twenty-one days before said hearing in each newspaper having a general circulation in the affected area describing the location of the proposed facilities.

I. The initial session of the hearing within such county shall be for public information on the proposed facilities with the applicant presenting the information to the committee and to the public and with only committee members asking questions for clarification on the development. Subsequent sessions of the hearing shall be in the nature of adversary proceedings. Every fourth subsequent session shall be held in such county, and all other hearings may be held in Concord, New Hampshire, provided there is adequate notice on the time and place of the hearing. The committee shall consider and weigh all evidence presented at the public hearings and any other material ancillary thereto.

II. The committee shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.

III. The committee may require such information from the applicant and state agencies and officials as it deems necessary to assist it in the conduct of hearings and in making any investigation or studies it may undertake and in the determination of the terms and conditions of any permit under consideration. The committee shall also conduct such reasonable studies and investigations as it deems necessary or appropriate to carry out the purposes of this chapter and may employ consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee.

IV. The committee shall issue rules and regulations as may from time to time be required to carry out the provisions of this chapter.

#### 162-H:9 Findings.

I. In order for the committee to issue a permit hereunder it must find the following:

(a) the proposed site and facility will not unduly interfere with the orderly development of the region and will not have an unreasonably adverse impact on aesthetics, historic sites, air and water quality, the natural environment and the public health and safety; and

(b) the applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the permit.

II. Findings by the committee shall be based on the record and shall be made by a majority vote of the full committee, whether or not the full committee is present for voting.

III. In the consideration of applications for permits, the committee shall fully review and consider all environmental values and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the permit. The committee may consult with interested regional agencies and agencies of border states in the issuance of such permits.

162-H:10 Permit Deadline. Subject to RSA 162-H:6, III, a permit shall either be issued or denied by the committee within twelve months of the date of its receipt of the application and may contain such reasonable terms and conditions as it deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such determinations, when made, shall be final and in writing and subject only to the provisions of this chapter.

162-H:11 Counsel for the Public.

I. After the committee has received an application, in accordance with RSA 162-H:6, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy. The counsel shall be accorded all the rights, privileges, and responsibilities of an attorney representing a party in a formal action.

II. This section shall not be construed to prevent any person from being heard or represented by counsel; provided, however, the committee shall have the right to compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests.

162-H:12 Judicial Review. Decisions of the energy facility evaluation committee shall be reviewed pursuant to RSA 541.

162-H:13 Enforcement.

I. Whenever the committee determines that any term or condition of any permit issued hereunder is being violated, it shall, in writing, notify the person holding such permit of the specific violation and order such person immediately to terminate such violation. If, fifteen days after receipt of such order, such person has failed or neglected to terminate such violation, the committee may suspend such person's permit; provided, however, except for emergencies, prior to any such suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing thereon.

II. The committee may suspend a person's permit if the committee determines that such person has made a material misrepresentation in its application or in the supplemental or additional statements of fact or studies required of the applicant, or if the committee determines that such person has violated the provisions of this chapter or regulations issued hereunder; provided, however, except for emergencies, prior to any such suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing thereon.

III. The committee may revoke any permit that is suspended hereunder after the person holding such suspended permit has been given at least ninety days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided opportunity for a full hearing thereon.

#### 162-H:14 Penalties.

I. The superior court in term time or in vacation may enjoin any act in violation of this chapter.

II. Any construction or operation of energy facilities in violation of this chapter, or in material violation of the terms of a permit issued hereunder, may result in an assessment by the superior court of civil damages not to exceed ten thousand dollars for each day of such violation.

III. Whoever commits any wilful violation of any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

162-H:15 Separability. If any provision or clause of this

chapter, or application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this chapter are declared to be severable. Each section of this chapter shall be separable from all other sections hereof and the nullification of any section of this chapter shall have no effect upon the remaining sections of this chapter.

162-H:16 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings and correspondence of the committee shall be maintained, all of which records shall be open to public inspection as provided for under RSA 91-A.

4 Effective Date. This act shall take effect upon its passage.

Rep. Greene moved that HB 34 be divided as follows: Division 1, Sections 1, 2 and 3 of the bill with an effective date. Division 2, Section 4 of the bill with an effective date.

(Deputy Speaker in the Chair)

Rep. Greene explained the majority committee amendment.

(discussion)

Reps. Read and George B. Roberts, Jr. spoke in favor of the majority committee amendment.

Majority committee amendment adopted.

Question being on the adoption of the minority report, ought to pass with further amendment.

(discussion)

Reps. Greene, Chase, George B. Roberts, Jr., Sayer, Parr, Dudley, Colburn, Twigg, Hanson, H. Gwendolyn Jones, James E. O'Neil, Spirou, Hammond, Benton and Paul McEachern spoke against the minority report.

Reps. Elizabeth E. Goff, Curran, Taber, Elmer L. Johnson, Gorman, and Deoss non-spoke in favor of the minority amendment.

Reps. Underwood, Cecelia L. Winn, LaRoche, Rogers,



Meserve, Junkins, Page, Call, Gillmore and Cotton non-spoke against the minority amendment.

Reps. Richard L. Bradley, Currier, Tony Smith, Altman, George I. Wiggins and Stevenson spoke in favor of the minority amendment.

Rep. Migneault wished to be recorded in favor of the minority amendment.

Rep. Harold E. Thompson wished to be recorded against the minority amendment.

Question on the adoption of the minority amendment.

A division was requested.

121 members having voted in the affirmative and 209 in the negative, the minority amendment lost.

Rep. Mabel L. Richardson requested a roll call.

Reps. Doris L. Thompson, Joseph L. Cote, T. Anne Webster, Parr and James W. Murray withdrew their second.

Reps. George E. Gordon, Metcalf, Sweeney, Lebel, Pryor and Curran seconded request for roll call.

Question on the adoption of the minority report, ought to pass with further amendment.

### ROLL CALL

YEAS: 109 NAYS: 233

### YEAS

#### COOS COUNTY:

Metcalf, Bushey, Richardson, Mabel L., Kidder, Victor L., Fortier, Valliere, Brungot, Gagnon, Rebecca.

#### GRAFTON COUNTY:

Curran, Stevenson, Fimlaid, Bradley, Richard L., Clark, Jones, Anthony K., Anderson, Fayne E., Altman, Buckman, Harrison, Krainak, Duhaime, Eaton, Myrl R.

#### HILLSBOROUGH COUNTY:

Perkins, Arnold B., Nelson, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Dwyer, Geiger, Bednar, Currier, Seamans, Rock, Cobleigh, Record, Belcourt, Charest, Des-

marais, Lachance, Wilcox, Coutermarsh, Lebel, Ackerson, Murphy, Bruton, Cote, Joseph L., Cullity, Barrett, William F., Healy, Daniel J., McDonough, Clancy, Drewniak, Sullivan, Mary J., Beaulieu, Gelinas, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Burke, O'Connor, Timothy K., Lynch, Sweeney, Lamy, Levasseur, Bernier, Knight.

MERRIMACK COUNTY:

Chandler, Deoss, Boucher, Laurent J., Enright, Rice, Gamache, Gordon, George E., Plourde, Mattice, Thompson, Doris L., Wiggin, Elmer S., Fisher.

ROCKINGHAM COUNTY:

Soule, Thibeault, George J., Gorman, MacGregor, Read, Senter, DeCesare, Goff, Elizabeth E., Schwaner, Simard, Dame.

STRAFFORD COUNTY:

Dawson, Colby, Joncas, Chasse, Peter N., Tanner, Donnelly, Kincaid, Peabody.

SULLIVAN COUNTY:

Rousseau.

BELKNAP COUNTY:

Lawton, Murray, James W.

CARROLL COUNTY:

Howard, Donald K., Davis, Dorothy W., Webster, T. Anne.

CHESHIRE COUNTY:

Slicer, Whipple, McGinness, Savage, Forcier, Streeter.

NAYS

COOS COUNTY:

Huggins, Hunt, Drake, Burns, Oleson, Theriault, Pryor.

GRAFTON COUNTY:

Gallen, Tilton, Mann, Ezra B., Gemmill, Bell, Webb, Bradley, David J., Chambers, Copenhaver, Nutt, Hough, Symons, Townsend, Madeline G.

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Mann, Arthur F., Murray, Fred E., Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Archambault, Orcutt,

Roy, Antonio J., Harvell, Van Loan, Ferguson, Langdell, Boyd, Hall, Carswell, Lyons, Alukonis, Bergeron, Nutting, Polak, Smith, Leonard A., Richardson, John W., Ethier, McLaughlin, Parker, Gerry F., Zechel, Woodruff, Cote, Margaret S., Winn, John T., Winn, Cecelia L., Gabriel, Lefebvre, McGlynn, Aubut, Boisvert, Mason, Ouellette, Sullivan, David T., Erickson, Daniels, Milne, Horan, Nardi, Smith, Craig D., Spirou, Shea, Dupont, Gardner, O'Neil, Dorteia M., D'Allesandro, Gillmore, Lemire, Armand R., Normand.

MERRIMACK COUNTY:

Kidder, William L., Thompson, Arthur E., Sherman, Bigelow, Parker, Harry C., Hanson, Bartlett, Perkins, John B., Cushman, Kopperl, Humphrey, James A., Daniell, Piper, Cate, Haller, Andersen, Chris K., Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Rich, Underwood, Harriman, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

ROCKINGHAM COUNTY:

King, Stimmell, Benton, Davis, Roy W., Boucher, William P., Kashulines, Skinner, Barka, Belair, Campbell, Lemay, Roy, Roy, Vesta M., Sayer, Southwick, Stevens, William J., Sununu, Spollett, Webster, Clarence L., White, Cummings, Erler, Goodrich, Hoar, Sanborn, Tavitian, Rogers, Hamel, Akerman, Casassa, Cunningham, Parr, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Twardus, Stevens, Elliot A., Ellis, Weeks, Greene, Hammond, Lockhart, Maynard, Palfrey, Griffin, Splaine, Cotton, McEachern, Joseph A., Call, Connors, Hodgdon, Keefe, McEachern, Paul.

STRAFFORD COUNTY:

Harvey, Rowell, Beckett, Dudley, Plumer, Tirrell, Bouchard, Maloomian, Hebert, Meserve, Ineson, Thompson, Barbara C., Ruel, Winkley, LaRoche, Preston, Boisse, Leighton, Bernard, O'Connor, Roderick H., Parnagian, McManus, Pray.

SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Spaulding, Roma A., Tucker, Brodeur, Burrows, D'Amante, Lewko, Scott, Frizzell, Olden, Williamson.

BELKNAP COUNTY:

French, Matheson, Marsh, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Twigg, Huot, Hildreth, Pierce, Randlett, Sabbow, Maguire.

## CARROLL COUNTY:

Duprey, Conley, Chase, Claflin, Allen.

## CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Stevens, Anthony, O'Neil, James E., Ladd, Dunham, Marshala, Gordon, Anne B., Yardley, Milbank, Turner, Raymond, Ames, Cooke, Close, Nims, Drew, Scranton.

Rep. Scamman abstained under Rule 16.

## PAIRS

Rep. Elmer Johnson voting yes; Rep. Donald Jones voting no.

Rep. George Wiggins voting yes; Rep. Roger Warren voting no.

and the minority amendment lost.

Division 1 of HB 34 ordered to third reading.

Question being on report on Division 2 of HB 34.

(a) Refer to Ways and Means Committee for interim study.

(b) Refer to Supreme Court for advisory opinion.

(c) Adopt referral resolution.

Reps. Gerry F. Parker and Nutt spoke in favor of referring to Supreme Court for constitutionality and legality.

Rep. George B. Roberts, Jr. spoke in favor of referring to Supreme Court.

(discussion)

Rep. Sayer explained the committee report.

Question on Division 2 of HB 34.

Division 2 adopted.

Rep. Newell offered an amendment.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

An Act

relative to energy facility evaluation, siting,  
construction and operation.

The clerk read the amendment in full.

Reps. George B. Roberts, Jr., James E. O'Neil and Sayer spoke against the Newell amendment.

Newell amendment lost.

Report on Division 2 of HB 34 adopted.

### SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to permit introduction of a committee report not previously advertised in the calendar on HB 5, relative to the office of energy administrator, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORT CONTINUED

#### HB 5

relative to the office of energy administrator. Ought to pass with amendment. Rep. Drake for Appropriations.

### AMENDMENT

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Additional Duties of the Administrator. Amend RSA 339 by inserting after section 41 the following new section.

339:41-a Protection of Retail Dealers; Report. The energy administrator shall further be responsible for developing protective measures and general assistance for the defense of the rights of New Hampshire gasoline station operators and retail fuel oil distributors from their suppliers.

Within thirty days of the convening of any regular or special session of the legislature, he shall issue a report with his recommendations for changes or additions to the state laws for the purpose of accomplishing the objectives of this statute.

7 Appropriation. There is hereby appropriated for the biennium ending June 30, 1975 the sum of five thousand dollars to be expended by the energy administrator to carry out the objectives and purposes of RSA 339:41-a. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

The clerk read the amendment in full.

Rep. Huot explained the committee report.

(discussion)

Rep. Raymond spoke against the report.

Rep. Daniell spoke in favor of the report.

Amendment adopted.

Ordered to third reading.

(Speaker in the Chair)

## HB 18

requiring local approval prior to approval of site plans for oil refineries. Majority: Ought to pass with amendment.

Rep. Sununu for Municipal and County Government.

Minority: Ought to pass with amendment. (Reps. Timothy K. O'Connor and Burke)

Majority: The committee was of the opinion that those municipalities operating under a zoning ordinance, such as Durham and Rye, already had adequate authority on deciding the question of the establishment of an oil refinery. The bill as amended is applicable only to those municipalities without a zoning ordinance.

The committee was unanimously in favor of an oil refinery to be located in New Hampshire, but only with the approval of the local population.

Minority: Felt that the addition of local officials to the Site Evaluation Committee would provide adequate representation for the municipality. The issuance of a "construction certificate" would override any municipal ordinance.

Minority report withdrawn.

## AMENDMENT

Amend RSA 162-F:1-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

162-F:1-b Approval by Towns. A site plan for an oil refinery shall not be approved and an oil refinery shall not be located in any town which does not have a zoning ordinance in effect without a vote of approval of a majority of the voters

present and voting on the question at an annual or special town meeting called for such purpose.

Amend the introductory paragraph of RSA 162-F:1-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

A site plan for an oil refinery shall not be approved and an oil refinery shall not be located in any city which does not have a zoning ordinance in effect without a vote of approval as hereafter provided:

Rep. Harold E. Thompson wished to be recorded in favor of the majority report.

Amendment adopted.

Ordered to third reading.

## HB 32

relative to the commission and taxes on pari-mutuel pools at dog tracks. Ought to pass with amendment. Rep. Sayer for Ways and Means.

The amendment provides for 1/8 of 1% to be expended for promotion of agriculture and 1/8 of 1% to be expended for physical improvements at agriculture fairs.

The tax portion is revised and will be explained by the committee.

To become effective on passage.

## AMENDMENT

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Changing the Tax Rates Applicable to Dog Racing. Amend RSA 284:23, II-a, (supp), as inserted by 1971, 541:12, by striking out said paragraph and inserting in place thereof the following:

II-a. Each person, association or corporation licensed to conduct a dog race or dog race meet under this chapter shall pay to the state treasurer a sum equal to six percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as

does not exceed one hundred thousand dollars, seven percent of so much thereof as exceeds one hundred thousand dollars but does not exceed two hundred thousand dollars, nine percent of so much thereof as exceeds two hundred thousand dollars but does not exceed three hundred thousand dollars, and ten percent of all such contributions exceeding three hundred thousand dollars. Of the amount so paid to the state treasurer a sum equal to one-eighth of one percent of said total contributions shall be expended for the promotion of agriculture in the state and one-eighth of one percent of said total contributions shall be expended for physical improvements at agricultural fairs, under the direction of the commissioner of agriculture, and the balance shall be distributed in accordance with the provisions of section 2 of this chapter.

3 Agriculture Promotion Distribution. Amend RSA 284:23, III-a, as inserted by 1959, 181:4, by striking out said paragraph and inserting in place thereof the following:

III-a Notwithstanding any other provisions of this chapter the total amount to be expended for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of two hundred twenty-five thousand dollars in any one year. Whenever the one-fourth of one percent of the total contributions to all pari-mutuel pools conducted at any running horse race or running horse meet and conducted at any harness horse race or harness horse race meet, which under the provisions of paragraph I and II of this section are to be expended for the promotion of agriculture shall exceed one hundred fifty thousand dollars in any one year, said excess shall be paid into the general funds of the state. Whenever the one-eighth of one percent of the total contributions to all pari-mutuel pools conducted at any dog race or dog race meet, which under the provisions of paragraph II-a of this section are to be expended for the promotion of agriculture, shall exceed seventy-five thousand dollars in any one year, the excess shall be paid into the general funds of the state.

4 Agricultural Fair Improvement Expenditure Limits. Amend RSA 284:23, as amended, by inserting after paragraph III-a the following new paragraph:

III-b Notwithstanding any other provisions of this chapter, the total amount to be expended for physical improvements at



agricultural fairs shall not exceed the sum of seventy-five thousand dollars in any one year. Whenever the one-eighth of one percent of the total contributions to all pari-mutuel pools conducted at any dog race or dog race meet, which under the provisions of paragraph II-a of this section is to be expended for physical improvements at agricultural fairs, shall exceed seventy-five thousand dollars in any one year, the excess shall be paid into the general funds of the state.

5 Distribution for Physical Improvements at Agricultural Fairs. Amend RSA 284 by inserting after section 25 the following new section:

284:25-a Distribution for Physical Improvement at Agricultural Fairs. The portion of the tax on pari-mutuel pools to be expended for physical improvements at agricultural fairs, as provided in RSA 284:23, II-a, shall be distributed by the commissioner of agriculture in equal amounts to all agricultural fairs which qualify for the distribution under RSA 284:25. All funds distributed under this section shall be used solely for improvement of buildings and grounds at such agricultural fairs under the supervision of the commissioner of agriculture.

6 Effective Date. This act shall take effect upon its passage.

Rep. Joseph L. Cote spoke against the amendment.

Rep. Drake spoke in favor of the amendment.

Rep. Sayer explained the committee report.

Rep. Nutt further explained the committee report.

(discussion)

Rep. Gerry F. Parker spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Greene moved that the rules be so far suspended as to dispense with hearing, and advertising in Journal on HB 36, permitting the sale of milk in three quart containers, and to permit the bill to be taken up at the present time.

Rep. Greene explained the committee report.

(Rep. Chase in the Chair)

Rep. James E. O'Neil spoke in favor of the motion.

(Speaker in the Chair)

Adopted by the necessary two-thirds.

Rep. Greene moved that HB 36 be ordered to third reading.

Adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Hamel moved that the rules be so far suspended as to dispense with hearing and advertising in Journal on HB 37, to provide for the repeal of the law tending to prohibit hitchhiking, and to permit the bill to be taken up at the present time.

Rep. Hamel explained the bill.

Rep. George B. Roberts, Jr. spoke in favor of the motion.

Adopted by the necessary two-thirds.

### SUSPENSION OF RULES

Rep. Hamel moved that the rules be so far suspended as to place HB 37 on third reading and final passage at the present time.

Adopted by the necessary two-thirds vote.

Ordered to third reading.

Third reading and final passage

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking.

### RECONSIDERATION

Rep. Newell moved reconsideration on HCR 2, establishing a joint committee to study the railroad conditions and related matters in the state of New Hampshire, and subsequently withdrew his motion.

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Rep. Spirou moved reconsideration on HB 34, relative to

energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products.

Reconsideration lost.

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Rep. Spirou moved reconsideration on HB 18, requiring local approval prior to approval of site plans for oil refineries.

Reconsideration lost.

### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills and captions of resolutions be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet Tuesday next at 11:00 a.m.

Adopted.

### THIRD READING AND FINAL PASSAGE

HB 34, relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products.

HB 15, relative to redistricting the ward lines of the city of Laconia.

HB 18, requiring local approval prior to approval of site plans for oil refineries.

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks.

HB 5, relative to the office of energy administrator.

HB 36, permitting the sale of milk in three quart containers.

HCR 2, establishing a joint committee to study the railroad conditions and related matters in the state of New Hampshire.

HCR 3, relative to the protection of the New Hampshire Fishing Industry.

On motion of Rep. Huot the House adjourned at 8:03 p.m.

*Tuesday, 12Mar74*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Gerald Scribner, Second Congregational Church of Wilton.

Eternal Spirit, for this day, for our life, for this country, we give You praise and thanksgiving. As we are gathered here in this hall, we ask that You might open our minds to understanding, our hearts to truth, and our spirit to wisdom.

Lead the work of all gathered here, that, in the decisions and laws passed, we find fairness, justice and freedom. In the whole of our state and country, help us to become a people able to pursue our opportunity and build our prosperity.

May Your Spirit be in the debate, lead the discussion and guide the deliberations that all the work done here is accomplished for the good of the people of the state and reflect Your everlasting virtues of Peace and Love. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Spirou led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Lefebvre, the day, illness.

Reps. Randall, Grady and Conley, today and tomorrow, illness.

Reps. Brungot, Sanborn, Woodward, Nelson, and T. Anne Webster, the day, important business.

Rep. Whipple, today and tomorrow, important business.

Reps. Geiger, Erickson and Bowler, the week important business.

#### SENATE MESSAGES

#### CONCURRENCE

HB 9, increasing the debt limit for the Londonderry school district.

HB 28, authorizing Franklin Pierce College to grant the degree of juris doctor.

INTRODUCTION SENATE CONCURRENT  
RESOLUTIONS

First, second reading &amp; referral

SCR 1, referring the question of the reclassification of a certain highway in the town of Clarksville to a joint legislative committee. Public Works.

SCR 2, referring the question of compensation for the town of Gorham to a joint legislative committee. Public Works.

## INTRODUCTION SENATE BILLS &amp; SJR

First, second reading &amp; referral

SB 12, to further protect the rights of mobile home owners by requiring the consumer protection division of the attorney general's office to promulgate guidelines as to what constitutes reasonable rules and regulations for mobile parks and by requiring that tenants be given copies of such rules and regulations. Municipal and County Government.

SB 6, relative to landlord-tenant relations. Judiciary.

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency. Environment and Agriculture.

SB 9, legalizing special town meetings in Wilmot and Pittsfield; and the Seabrook School District meeting. Municipal and County Government.

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor. Public Works.

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law. Ways and Means.

SB 18, providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the

N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change. Executive Departments and Administration.

SB 7, relative to capital improvements to the Mount Washington summit and making an appropriation therefor. Public Works.

SB 1, providing for open and honest political campaigns in New Hampshire by requiring greater accountability and full disclosure of campaign contributions and expenditures; and protecting party loyalty by disqualifying defeated primary candidates from being nominated by petition under certain circumstances. Statutory Revision.

SB 11, establishing a state historic preservation office and making an appropriation therefor. Executive Departments and Administration.

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Under Joint Rule 12 the Speaker referred the following bills to the House Rules Committee:

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state.

SB 19, specifying procedures for termination of residential gas or electric services.

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

SB 26, providing for retirement benefits for supreme and superior court justices.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

SB 23, relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions.

SB 20, providing for regulation of franchise agreements for the sale of gasoline.

SB 21, establishing a commission on children and youth.

SB 28, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people.

SB 29, exempting enterprises selling spirits and wines to the state of New Hampshire from the business profits tax.

SJR 2, establishing an interim committee to study oil companies and other energy suppliers.

### UNANIMOUS CONSENT

Rep. Richard L. Bradley addressed the House by unanimous consent.

On motion of Rep. Roma A. Spaulding the House adjourned at 11:33 a.m. to meet tomorrow at 11:00 a.m.

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### *Wednesday, 13Mar74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, our God, the whole world You loved enough to die for, is moving ahead, with wonder, beauty, and power. Teach us to put our power and skill at the service of men everywhere. Amen.

### PLEDGE OF ALLEGIANCE

Whereas the 15th of March is the birthday of President Andrew Jackson, who as General Jackson commanded the victorious American troops at the Battle of New Orleans in 1815; whereas the 7th Regiment of Infantry is the former regiment of Rep. Benton, it is therefore appropriate that Rep. Benton lead the pledge to the flag today.

## LEAVES OF ABSENCE

Rep. Plumer, the day, illness.

Reps. Maynard, Martineau, LaRoche and Gibbons, indefinite, illness.

Reps. Edward A. Johnson and Armand R. Lemire, the day, important business.

## COMMUNICATION

Mr. J. Milton Street, Clerk

Dear Mr. Street:

On March 13, 1974, the following Representatives-elect appeared before the Governor and Council and were sworn into office:

Hillsborough County District No. 18 (Nashua, Ward 3)  
Robert D. Tropea, r, Nashua 03060 (2 Swart Terrace)

Rockingham County District No. 15 (North Hampton,  
Stratham) Franklin Wolfen, r, North Hampton 03862

Strafford County District No. 17 (Dover, Ward 5) Leo E.  
Lessard, d, Dover 03820 (Old Madbury Lane)

Edward C. Kelley  
Deputy Secretary of State

COMMITTEE APPOINTMENTS OF  
NEW MEMBERS

Rep. Tropea, Labor, Human Resources and Rehabilitation.

Rep. Lessard, Education.

Rep. Wolfen, Fish and Game.

## RESOLUTION

Rep. George B. Roberts, Jr. offered the following resolution for the committee on rules:

*Resolved*, that in accordance with the list in the possession of the clerk Senate Bills 19, 20, 21, 22, 23, 24, 26, 27, 28, 29 and SJR 2 shall be by this resolution read a first and second time



by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading & referral

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state. Education.

SB 19, specifying procedures for termination of residential gas or electric services. Judiciary.

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances. Judiciary.

SB 26, providing for retirement benefits for supreme and superior court justices. Judiciary.

SB 24, authorizing cities and towns to grant franchises for cable television systems. Statutory Revision.

SB 23, relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions. Municipal and County Government.

SB 20, providing for regulation of franchise agreements for the sale of gasoline. Executive Departments and Administration.

SB 21, establishing a commission on children and youth. Public Health and Welfare.

SB 28, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people. Public Health and Welfare.

SB 29, exempting enterprises selling spirits and wines to the state of New Hampshire from the business profits tax. Ways and Means.

SJR 2, establishing an interim committee to study oil companies and other energy suppliers. Statutory Revision.

## SENATE MESSAGE

### CONCURRENCE HB WITH SENATE AMENDMENT

(Amendment printed in SJ, March 7)

HB 23, continuing present city of Somersworth's elected officials in office until the next regular election, and constitutional convention delegates from old wards.

Rep. Benton moved that the House concur with the Senate amendment.

Adopted.

## COMMITTEE REPORTS

### HB 2

making appropriations for capital improvements. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General	
Concrete floor — Manchester Armory	\$50,000
II. Administration and Control	
(a) Restore and refurbish legislative chambers and 3rd floor of state house	\$160,000*
(b) Refurbish exterior of state house	80,000
(c) Renovate first floor toilets	30,000
(d) Clean and point exterior-state library	50,000
(e) Renovations to Purchase and Property Warehouse	68,000
Total Paragraph II	388,000

\*The projects for which these appropriations are made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the Speaker of the House and President of the Senate jointly. No part of this appropriation shall be expended for the Senate Chamber proper.

III. Aeronautics Commission	
(a) Nashua — Land for ILS	\$240,000
Less Federal	180,000
Net Appropriation	60,000

(b) Lebanon — Taxiway	\$112,000	
Less Federal	84,000	
Net Appropriation		28,000
Total Paragraph III		88,000
IV. Education — New Hampshire Vocational-Technical Colleges		
(a) Nashua		
Automotive building — Design, engineering, and working drawings to be ready for 1975 Legislative Session		\$45,000
(b) Claremont		
Allied health science building — Design, engineering, and working drawings to be ready for 1975 Legislative Session		75,000
(c) Laconia		
New equipment—two graphic arts presses and two related items		78,000
(d) Berlin		
Automotive shop addition		143,000
(e) Manchester		
Library extension		225,000
Total Paragraph IV		566,000

## V. Health &amp; Welfare

(a) Office building — phase II — Design, engineering, and working drawings to be ready for 1975 Legislative Session		\$655,000
(b) N. H. Home for the Elderly (Glencliff) — Laundry		83,600
(c) N. H. Hospital		
(1) Reline fuel oil tanks	\$18,000	
(2) Equipment for main building kitchen	25,000	
(3) Plumbing, renovation, etc, in south side main building	69,000	
(4) Plumbing, renovation, etc. in north side main building	86,000	
(5) Dolloff building — renovate to life safety code, etc.	80,500	
(6) Reconstruction and renovation of Tobey, Thayer, Brown, and Walker buildings —		

A. Design and engineering all four buildings	300,000	
B. Reconstruction and renovation of Tobey building complete:		
Construction	823,400	
Contingencies	100,000	
Equipment	40,000	
		<hr/>
Total Subparagraph (c)		1,541,900
(d) Laconia State School and Training Center		
(1) Laundry equipment	\$55,000	
(2) Dairy barn conversion (own forces)	30,000	
(3) Renovate electrical entrance and outside wiring phase I	132,000	
		<hr/>
Total Subparagraph (d)		217,000*

\*Authority is hereby granted to sell, dispose or remove, at no cost, the silo at the Laconia State School and Training Center. Any revenue derived from its sale or removal shall be deposited in the general funds of the state.

Total Paragraph V	<hr/>	2,497,500
VI. New Hampshire Youth Development Center — acquisition of one youth residential center located off the present property but within the Manchester area.		125,000*
Spaulding Cottage renovation		55,000
		<hr/>

\*This appropriation shall be reduced by any available federal funds.

Total Paragraph VI	180,000
VII. Liquor Commission	
Addition to Portsmouth store No. 38	345,000
VIII. Department of Resources and Economic Development	
(a) Relocation and reconstruction of forestry nursery administration building, laboratory, Bear Brook central warehouse, and shop area.	\$65,000
(b) Division of Parks	
(1) Engineering and construction	

A. Bear Brook — new water supply	49,000	
B. Franconia — phase II snowmaking, novice slope development	95,000	
C. Greenfield — construct shower building and expand parking and picnic-ing area	56,000	
D. Odiorne Point — site improvement at Frost Point	25,000	
E. Pawtuckaway — sewage dumping station and beach expansion	40,000	
Total Subparagraph (b)	\$265,000	
Less federal assistance	132,500	
	<hr/>	
Net appropriation subparagraph (b)		132,500
(c) Capital projects — utility construction — 5 year bonds		
(1) Franconia Notch State Park — tram overhaul	\$180,000	
(2) Engineering for snow making equipment for Mt. Sunapee	12,500	
	<hr/>	
Total Subparagraph (c)		192,500
Total Paragraph VIII		390,000
IX. Department of Safety		
(a) Office building		
Plans and engineering only including parking layout and drawings		\$250,000
(b) Safety services		
Boat house — rebuild and expand		25,000
(c) State police		
Renovate radio station and building		8,000
		<hr/>
Total Paragraph IX		283,000
X. Veteran's Home		
Nursing care unit	\$2,134,720	
Less federal funds	1,387,568	
	<hr/>	
Net state appropriation Paragraph X		747,152
XI. State Prison		
Improvements and repairs as follows: replacing windows		

(main cell block), renovate heating (main cell block), new roofs on hospital and old boiler room, No. 1 boiler conversion burner, toilets for annex, renovate annex, maximum security cells in old hospital area	275,900
XII. Water Resources Board — Repairs, reconstruction and rebuilding of dams.	
(a) Union Meadows	\$43,320
(b) Kingswood Lake	53,420
(c) Glen Lake	151,620
(d) Howe Reservoir	29,640
(e) Winnisquam Lake	114,000
Total Paragraph XII	392,000
XIII. Water Supply and Pollution Control Commission	
Regional waste treatment plant	
Winnispesaukee River Basin	\$20,086,000
Less federal funds	15,064,500
Less local funds	1,004,300
Net state appropriation Paragraph XIII	4,017,200
XIV. Public Works and Highway, Division of	
Contractual maintenance projects:	
5 year bonds	
New Hampshire Hospital	
Concord, N. H.	
(a) Overhauling elevators	\$40,000
(b) Reinsulate warehouse freezer	12,000
Total Paragraph XIV	52,000
Total state appropriation Section 1	10,271,752

2 Appropriation, University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the University of New Hampshire system:

I. Merrimack Valley Branch	
(a) Development of outside utilities	\$3,750,000
(b) Construction of first building	1,668,000

(c) Design and working drawings of second building	175,000	
Total Paragraph I		\$5,593,000**
II. Keene Campus		
Renovation of former Elliot Hospital		700,000*
III. Plymouth Campus		
New academic building complete		4,000,000**
IV. Durham Campus		
Complete renovation of James, Morrill, Murkland, and Kingsbury Halls to conform with N. H. Life Safety Code		486,000**
V. All Campuses		
Phase I of installation of fire detection systems in various buildings to comply with N. H. Life Safety Code		82,000**
VI. Snively Arena — Fire doors, safety lights and devices to meet Life Safety Code		18,000**
Total state appropriation Section 2		\$10,879,000

\* These funds shall not be transferred or used for any other purposes and is the total amount to be appropriated and/or expended for all renovation or conversion of the Elliott property to university use, and the following priorities in spending will apply: (1) repairs to roofs; (2) repairs to heating equipment and utilities to meet minimum applicable life safety code standards; (3) minimum alterations required to make usable buildings for administrative and academic purposes.

\*\*These funds shall not be transferred or used for any other purposes.

3 Appropriation; Self-Liquidating. The sum of two million one hundred eighty-three thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing and dining facilities and utilities at the University of New Hampshire as follows:

Durham	
Dormitory	
Construction	\$2,040,000**

Furnishings and equipment	143,000*
Total section 3	<hr/> \$2,183,000 <hr/>

\*5 year bonds

\*\* 30 year bonds

4 Expenditures, General. The appropriation made for the purposes mentioned in sections 1 and 13, and the sums available for those projects, shall be expended by the trustees, commission, commissioner, or department head of the institutions and department referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

5 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction



plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is a variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 13, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of twenty-three million three hundred thirty-three thousand seven hundred fifty-two dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph VIII (c), paragraph XIV and section 3 (furnishings and equipment \$143,000) of this act, shall have a maturity date of five years from date of issue, and provided further that the bonds issued for the purposes of section 3 (construction \$2,040,000) of this act shall have a maturity date of thirty years from the date of issue.

8 Payments. The payment of principal and interest on

bonds and notes issued for the projects in sections 1, 2, 3 and 13 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2 and 3 hereof.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 13 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the same amount.

11 Transfers. The individual project appropriations, as provided in sections 1, 2, 3 and 13 shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

12 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3 and 13 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Water Resources Board Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, for capital improvements and long-term repairs thereto, to the water resources board:

I. Baker River Watershed Project	
Sites 6-A, 7, and 11-A	\$2,850,350
Less federal funds	2,158,575
Less other funds	81,000
	<hr/>
Net state appropriation paragraph I	\$610,775
II. Cold River Watershed Project	
Site 6 (jointly with state of Me.)	345,700
Less other funds	34,000
Less federal funds	296,000
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Net state appropriation paragraph II	15,700
III. Souhegan River Watershed — Site No. 33	2,500
Site No. 8	40,000
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Total paragraph III	42,500
	<hr/>
Total state appropriation section 13	\$668,975
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14 Bonds Authorized. To provide funds for the total of the appropriations made of state funds in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of six hundred sixty-eight thousand nine hundred seventy-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Appropriation Extension. The appropriation made to the water resources board by 1971, 559, X, for the specified capital expenditures shall be available for expenditure until July 1, 1977.

16 Certain Parks Appropriations of 1971 Extended. The following appropriations to the division of parks, for the specified capital improvements, shall be available for expenditure until July 1, 1976:

I. 1971, 559:1, VII, (1), (a), (i), Franconia Notch State Park, tramway cable.

II. 1971, 559:1, VII, (1), (b), Berlin wayside and recreation area.

III. 1971, 559:1, VII, (1), (g), dredging and improvements of Hampton Harbor.

17 Appropriation for Hooksett Liquor Store Extended. Amend 1972, 42 by inserting after section 4 the following new section:

42:4-a Appropriation Extended. Notwithstanding any other statute to the contrary the appropriation made by this act shall be available for expenditure up to July 1, 1976.

18 Aeronautics Commission. Amend the footnote in Laws of 1969, 504:1, III, as amended by Laws of 1972, 62:3, by adding to the footnote the following new paragraph (The provisions within this footnote which appear prior to this insertion shall not apply to paragraphs III, (b) and (d), but said appropriations shall be matched with any applicable federal funds and shall, notwithstanding the provisions of RSA 9:18, not lapse until June 30, 1974.)

19 Angle Pond Appropriation Increased. Amend Laws of 1969, 489:3, by striking out said section and inserting in place thereof the following:

489:3 Expenditure Authorized. The water resources board is hereby authorized to expend a sum of money not to exceed thirty thousand dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

20 Pisgah Road Appropriation Reduced and Extended. Amend Laws of 1971, 559:1, VII, (1), (e), by striking out the same and inserting in place thereof the following:

(e) Pisgah Road Improvements	\$102,500
Less federal funds	40,000

Total	\$62,500*
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\*Within this appropriation the sum of \$22,500 provides for

nonfederal BOR participation projects. This appropriation shall not lapse until June 30, 1976.

21 Reducing the Appropriation for the Soldiers' Home. Amend Laws of 1971, 559:1, VIII, by striking out said paragraph and inserting in place thereof the following:

VIII. Soldiers' Home

Engineering services — renovations 2,000

22 Reducing the 1971 Capital Budget Bonding. Amend Laws of 1971, 559:8, as amended, by striking out said section and inserting in place thereof the following:

559:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3 and 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million four hundred one thousand one hundred sixty-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

23 Legislative Facilities Committee. Amend 1973, 368:1 by striking out said section and inserting in place thereof the following:

368:1 Committee Established. A joint committee on legislative facilities is hereby established for the purposes of conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities. The committee shall consist of the president of the senate and the speaker of the house, the majority and minority leaders of each body and one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the

house who shall be members from the office space study committee; and an additional member of the senate appointed by the president and an additional member of the house appointed by the speaker. The committee shall meet as required and shall serve without compensation; however, the committee members shall receive legislative mileage.

24 Legislative Parking Facility. Amend 1973, 368:2 by inserting after paragraph IX the following new paragraphs:

X. The committee shall have the authority to negotiate and contract with the city of Concord for the acquisition of land or air rights for the purpose of constructing a parking facility for the use of the legislature, and such land or air rights may be acquired without the consent of the governor and council.

XI. Notwithstanding any other provisions of law to the contrary, all space in and utilization of the legislative parking facility shall be determined by the president of the senate and the speaker of the house.

25 Appropriation. Amend 1973, 368 by inserting after section 6 the following new sections:

368:6-a Appropriation. The sum of seven hundred seventy thousand dollars is hereby appropriated for the planning and construction of a legislative parking facility. Said sums shall be expended by the legislative facilities committee. The committee is authorized to apply for, accept and expend federal and private funds that may be made available for the purposes of this act and the amount of state funds available for said purposes shall be reduced by the amount thereof.

368:6-b Bonds Authorized. To provide funds for the appropriation made in section 6-a of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of seven hundred seventy thousand dollars, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

26 Powers of University Trustees. Amend RSA 187:8, as amended, by inserting after paragraph IX the following new paragraph:

X. To maintain and operate all housing facilities, dining

halls or other food service facilities, student unions, and bookstores for students and faculty on all campuses of the university system which are in existence on the effective date of this paragraph or which may later be constructed and to collect rents from any such housing facilities.

27 Special Funds Established. Amend RSA 187 by inserting after section 10 the following new section:

187:10-a Special Funds for Self-amortizing Projects. The trustees of the university shall keep the income from all: housing facilities, dining halls and other food service facilities, student unions, and bookstores each in a separate fund for each division or campus of the university system. From each such fund shall be paid the proportionate part of the annual interest on the state borrowing for the purpose of constructing any of the four above-mentioned particular facilities at the particular division of campus, and a like proportionate payment of installments of principal as the same become due until such time as all obligations incurred by the state for any of said four facilities at any division or campus have been met. All operating and maintenance expenses of the four above-mentioned facilities shall be paid from the applicable separate fund hereby established.

28 Repeal. The following statutes are hereby repealed:

I. RSA 187:10, relative to dormitory rentals;

II. Laws of 1967, 394:11-a, establishing special funds for certain university buildings;

III. Any statute inconsistent with the provisions of RSA 187:8, X or RSA 187:10-a.

29 Effective Date. This act shall take effect upon its passage.

Rep. Drake explained the committee report.

(discussion)

Rep. Tucker: Mr. Mann, in Paragraph IV for education, N. H. Vocational-Technical Colleges, specifically Nashua and Claremont, these particular buildings were in the original capital budget that was passed in the regular session and now the construction funds have been withdrawn and engineering funds are left in on this particular budget item. Would you

please, for the benefit of the House, specifically for those in the Nashua and Claremont areas, present to us the thinking of the Public Works Committee in regard to those two particular projects. Why you have taken the action you have and what is the intent — the legislative intent of the Public Works Committee as it relates to these two projects.

Rep. Mann: Mr. Speaker, as we discussed in the hall, I think that in reviewing in depth the Nashua and Claremont schools and the Health and Welfare buildings, we found that there were no plans, no engineering. Doing it this way, we felt there was a delay of about three months because this is a half-year capital budget, — it was a two-year capital budget. You will be considering another capital budget in about a year. Our feeling was to try to keep these as an on-going project and therefore, to try to (I don't know know as I should say to commit the legislature) but more or less get these designs, engineering, working drawings that we can consider in the next Legislative session. I think that the Public Works Committee, as a whole, is very favorable to all three of these projects. It is just money, time, and — you know what happened to the last capital budget.

Speaker: Mr. Raymond, do you want to further answer the question?

Rep. Raymond: I would like to speak on behalf of the Appropriations Committee as a whole and say that we strongly supported this concept in the last session and you can be sure we are not stepping aside in this session. We agree that this is good sound business to get these working drawings and then get the actual dollar needs we have early in 1975 for that budget, and then we can move forward.

Rep. Tucker: Do you agree with Mr. Mann that this is regarded, at least at this point in time, as an on-going project?

Rep. Raymond: I heard the comment in back of me, "It wouldn't be in there if it wasn't" and I am tempted to agree with him because — let me remind you that I have been working on some of these projects since 1969 as well as many other people. I don't think we are going to let it go down the drain now.

Rep. Tucker: Thank you.

Speaker: Mr. D'Amante, you may inquire.



Rep. D'Amante: Mr. Raymond, I had an amendment drawn up in Paragraph IV. I was concerned and I am going to withdraw my amendment. I am not even going to offer it, but I still want to make it literate and make sure that one thing, that all these Vo-Tech schools are not going to have to worry about funds to complete their project in two years. Am I correct in my thinking?

Rep. Raymond: Mr. D'Amante, I would not dare prophesy what you and the members of this honorable General Court will do in the next session. This is not our prerogative. But, this signifies, as it is listed, the intent of this current House to continue with this project.

Rep. D'Amante: Then we are laying the foundation for this project to be completed?

Rep. Raymond: Yes, sir, we are following a procedure which we initiated in 1969 of requiring all of these drawings and I hoped you wouldn't press me to the point, but I am a little bit abashed that we didn't have them all ready now.

Rep. D'Amante: Thank you.

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Rep. Chandler spoke against the amendment.

(discussion)

Rep. Curran spoke against the amendment.

Reps. Sanborn, Boisvert and George B. Roberts, Jr. spoke in favor of the amendment.

Reps. Gelinis and Nelson non-spoke in favor of the amendment.

Amendment adopted.

Rep. Horan offered an amendment.

The Clerk read the amendment in full.

Rep. Horan spoke in favor of his amendment.

(discussion)

Reps. Williamson, Orcutt, French, Spirou and Drake spoke against the Horan amendment.

Reps. Daniels, Harry C. Parker, Ellis and Lamy non-spoke against the Horan amendment.

Reps. Daniels, Harry C. Parker, Ellis and Lamy non-spoke against the Horan amendment.

Rep. Horan requested a division.

7 members having voted in the affirmative, and 274 in the negative, the Horan amendment lost.

Rep. Plourde offered an amendment.

The clerk read the amendment in full.

Rep. Plourde explained his amendment.

(discussion)

Reps. Raymond, Zachos, Belair, Gelinas and Drake spoke against the Plourde amendment.

Reps. Rock, McDonough and Drew non-spoke against the Plourde amendment.

Plourde amendment lost.

Ordered to third reading.

Rep. Sayer offered the following.

#### HOUSE RESOLUTION

*Whereas* the House of Representatives by resolution adopted March 7, 1974, referred to the New Hampshire Supreme Court certain questions of law for an advisory opinion concerning the taxation provisions contained in HB 34, An Act relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products;

And *Whereas* it has come to the attention of the House that it is desirable to propound a supplementary question concerning said bill in order to obtain as comprehensive an advisory opinion as possible in the circumstances;

*Now Therefore be it resolved* by the House of Representatives that Request No. 6865 now pending in the New Hampshire Supreme Court be supplemented by adding thereto the following additional question:

3-a. Would it be a valid exercise of the state's taxing powers to amend the taxing provisions of the proposed statute so as to provide that the tax in question be levied as an *ad valorem*

tax, namely, a reasonable and uniform percentage of the fair value per barrel of such refined petroleum products?

*Be It Further Resolved* that the Speaker of the House transmit seven copies of this supplementary resolution to the Clerk of the Supreme Court for consideration by said court.

Adopted.

Rep. George B. Roberts and Coutermarsh offered

#### HOUSE CONCURRENT RESOLUTION 5

establishing a schedule of legislative days for  
the remainder of the special session.

*Be It Resolved by the House of Representatives*, the Senate concurring:

That, both houses of the General Court shall each adjourn from the eighth legislative day to March 19 which shall be the ninth legislative day and thereafter to succeeding legislative days according to the following schedule:

March 20, the tenth legislative day; March 26, the eleventh legislative day; March 27, the twelfth legislative day; March 28, the thirteenth legislative day; April 2, the fourteenth legislative day; and April 11, the fifteenth legislative day.

#### EXPLANATION

March 27th, the 12th legislative day, is the last day for all bills passed by one body to be considered by the other body.

April 2nd, the 14th legislative day, is the last day for the adoption of all committee of conference reports.

The only business in order on April 11th, the 15th legislative day, will be the consideration of any vetoes by the Governor.

The clerk read the resolution in full.

Rep. George B. Roberts, Jr. explained the resolution.

Reps. Gerry F. Parker and Ethier spoke against the resolution.

(discussion)

Reps. Coutermarsh, Daniell and Zachos spoke in favor of the resolution.

Resolution adopted.

### RECONSIDERATION

Rep. Drake moved reconsideration on HB 2, making appropriations for capital improvements.

Reconsideration lost.

### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet Tuesday next at 11:00 a.m.

Adopted.

Third reading and final passage

HB 2, making appropriations for capital improvements.

### UNANIMOUS CONSENT

Rep. Zachos addressed the House by unanimous consent concerning the Speaker's speech in Albany, New York.

Rep. Zachos moved that Speaker O'Neil's address be printed in the Journal.

Adopted.

James E. O'Neil, Sr.

Speaker of the

NEW HAMPSHIRE HOUSE OF REPRESENTATIVES

Lecture Address

"Emerging Dynamism of State Legislatures"

By invitation of  
New York Senate Majority Leader Warren M. Anderson  
and

President Louis T. Benezet  
State University of New York at Albany

before the  
Distinguished American Legislative Leaders

Monday, February 25, 1974

This evening I would like to share with you some of my thoughts on the proper role of state legislatures in these changing and often difficult times.

If we as legislators are to control our own destiny, we must first define what we wish that destiny to be.

Let us begin by reflecting for a moment upon how and why our branch of government was conceived and the nature of the role it was designed to play.

The lessons of history convinced our Founding Fathers that no single segment of society should control our government. Their solution was the federal system — a balance of power, first between the states and the national government and secondly, within the national government itself.

This system of checks and balance forms the bedrock of our system of self-government. It is in the interest of every American to keep all of its parts strong and of equal power.

Yet, at the present time, our governmental equation is out of balance.

The scales that weigh the federal system have tilted to reflect the pre-eminence of Washington in relation to the states. And similarly, within the national government itself the power of the President and of the Judiciary have increased — at the expense of the Congress.

Unfortunately, it is not only in Washington that we find an erosion of the powers of the legislative branch.

Our state legislatures — once proud and strong — have let their rightful place slip from them.

I would submit that a strong and equal legislative branch is as important in your state capitol as it is in Washington.

Any legislative body that is weak is not capable of reconcil-

ing the ever-increasing, complex and conflicting demands of today's society.

And make no bones about it — it is our job as legislators to reconcile these demands.

Under both our State and Federal Constitutions, the legislative is the only branch that can make, amend or eliminate laws. It is only in the forums of Senate and House that these basic principles that govern our lives are made.

And while the three branches of our governments should indeed be equal, I would suggest that legislatures were intended to be the pivotal institutions in this democracy — and thus a little bit more equal than the other two branches.

While perhaps a bit self-serving, the following statement issued in 1816 by a congressional select committee does emphasize the importance of the lawmaking power.

"Of all the powers with which the people have invested the Government, that of legislation is undoubtedly the chief. In addition to its own important, ordinary duties, the Legislature is the only power which can create other powers. . . .

"Over the most numerous branch of the Legislature, therefore, the people have retained the power of frequent elections; and with this branch alone they have trusted the original exercise of the right of taxation.

"The members of the House of Representatives are the special delegates and agents of the people in this high trust. They, and they alone, can touch the mainspring of the public prosperity. They are elected to be the guardians of the public rights and liberties."

Most people neither understand nor appreciate how a legislature works. As legislators we have twin functions — and twin faces.

On one hand, we are the representatives of the people and we look to them — searching out and receiving public problems.

On the other, we must look to the law itself — to the development of public policy and its implementation.

I quote from the *Federalist* essay No. 62, "A good government implies two things; first, fidelity to the object of govern-

ment, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained."

Put another way, legislatures are really two separate things: a collectivity and an institution.

As a collectivity, we as legislators act as receptors and reflect the needs and wants of constituents.

As an institution, we as legislators have to make laws and arrive at some conclusions about what ought to be done as well as what we have been asked to do.

As all of you know from experience, these are not necessarily compatible functions. Thus a major organizational problem for any legislature is the development of means by which a collection of individual representatives can function as an institution. In most American legislatures, the committee system is designed to facilitate representative and problem-defining functions (the face to the public) ; the political party and leadership systems seek to facilitate the compromises necessary to arrive at conclusions (the face to the government.)

The fact that neither operates smoothly says more about the complexities of the tasks to be performed than about the competency of the legislators — a point normally missed by critics of legislatures at all levels.

We are too often criticized for ignoring problems while simultaneously being ridiculed for making the compromises necessary to get action to resolve them.

So as legislatures we have twin faces. To complicate things further, we are also — with a single exception — twin-headed. This bicameral feature is so obvious as to hardly bear mentioning. And yet it, too, is ignored by most commentators.

A legislature is not a thing. It is two things — a House and a Senate.

And although the legislature as a whole is designed to be both a collectivity and an institution, these two functions were not intended to be shared equally.

The House of Representatives is just that — a house of representatives. It is the place of public access and thus naturally faces a difficult transition from collectivity to institution. The

pull of the house will always be more toward the people than it is toward the law.

While the Senate is not exactly the house of unrepresentation, most senates were intentionally structured to be somewhat more distant from the people. The United States Senate — and those in many states — were not originally elected by popular vote. Every indication is that the founding fathers viewed the Senate as the deliberative chamber — its function one of debating and contemplation so the collectivity might move toward temperate resolution of public problems. Federalist essay No. 62 expressed fear of the effects of popular representation, and designated the Senate as a corrective:

“The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.”

How complicated all this is, and yet how important!

For in describing this magnificent system as it was designed to be, we also define the magnitude of our loss when legislatures do not fulfill their potential.

A weakness in any legislative body will upset the balance among the branches of our governments.

But the weaknesses of *state* legislatures are even more significant for they also contribute to the inability of state governments to maintain the intended balance of the federal system.

While I am not one to hold that every expansion of the federal government is wrong and somehow sinister, the present imbalance in the system prevents us from realizing the benefits it was intended to provide.

Terry Sanford has described this potential loss: “The federal system, preserved as a federal system, is the institution of restraint. The competitive governments serve not only to restrain absolute power, they serve positive purposes as well. The internal clashes and conflicts promote the creative tension that adds to the competitive features in a constructive manner. With weak state governments, the tension is less, and there is less challenge and weaker competition. It is as if a runner sought



to set a world record without anyone pressing him to do his best. Without the tension of competition, the whole race is slower."

Fortunately, the past few years have seen an impressive resurgence of state legislatures and thus a strengthening of state government as a whole. While our resources do not yet match our responsibilities, state governments have begun to equip themselves to meet the challenges of the times.

In reaching for tools to help us meet our responsibilities, we have created a number of new organizations to serve our mutual interests, such as the Advisory Commission on Inter-Governmental Relations, the Council of State Governments, the Citizens Conference on State Legislatures, and the Eagleton Institute.

From these organizations and groups come a host of activities to support and strengthen our efforts as legislators and legislatures.

We in New Hampshire have not hesitated to take advantage of these new resources.

Our small state is now facing a \$600,000,000 proposal from Aristotle Onassis to build a complex that includes an oil refinery and a massive off-shore loading and unloading complex.

All of this is proposed to be located on New Hampshire's sixteen miles of coast line and in the same community that hosts our state university.

This one plant would produce as much or more product than the six refineries now located in New Jersey to say nothing of the potential effects on the off-shore operations. The electric power needed to operate the refinery alone would nearly meet the needs of a city the size of Houston. All this in a small state of 750,000 people!

Where does a small state legislature with almost no research capability turn for advice and assistance in making decisions of this size and potential importance? A few years ago, it would have been very difficult to find the help we so desperately needed.

We turned to the Council of State Governments. Their Interstate Clearinghouse quickly put together a team of con-

sultants from Texas, New Jersey and Maine. These are all states which have developed expertise in this field and were willing to detach a team to assist us. Through a series of hearings and workshops, we amassed a tremendous amount of data and background material that is already invaluable to us as we debate the issue during our current special session.

It should be made clear that this team did not come into New Hampshire to tell us whether we should or should not accept this refinery — but rather to help us objectively assess the pros and cons. This they did.

A number of other states have used this service in a variety of ways including governmental restructuring, state motor pools, state revenue agency reorganization and data processing evaluation.

Through the annual and periodic meetings and workshops of legislative leaders, legislators and legislative staff, a very significant effort is going on across the country to upgrade our entire effort in State government. These efforts have been well organized and have brought outstanding talent from the various state legislative agencies and departments into workshop situations where a sharing of ideas, concepts and concerns does so much to improve our individual legislative operations.

I recently had the honor of chairing a workshop with legislative staff people that included your State and others talking about partisan and nonpartisan staffing. This particular session generated a fine dialogue amongst the participants.

I will not dwell further on this particular area but again would indicate this is a most helpful development and indicates to me that we as State legislators are determined to find ways to upgrade ourselves in our internal operations.

I would like to comment on two particular organizational efforts on-going at this time.

The Intergovernmental Relations Committee of the National Legislative Conference is another example of State Legislative effort to make its voice heard at the national level. Under the umbrella of I. R. C. are several task forces that deal extensively with the federal government. These task forces cover such vital areas as energy, education, natural resources, transportation amongst several others.

Here we have a medium that brings the voice of State senators and representatives in direct contact with Washington in those specific areas that we are daily concerned with as we sit in our respective chambers in our State Capitols.

We identify problems and take basic policy positions relative to federal legislation and policies-making our input as we see it in the State — federal mix of government.

As the task forces meet there are agenda organized by the N. C. L. staffers assigned to each task force that bring a wide range of federal people to the meeting — ranging from elected members of congress to congressional staff experts to experts from a variety of private foundations and organization to staff from the executive wing of our National government. Within the last year the Intergovernment Relations Committee included a meeting with the President of the United States and some of his cabinet members at the White House.

Members from I. R. C. have testified at Congressional hearings — bringing to the attention of Congress our policy positions.

The other organization that serves a most useful function is the Legislative Leaders Conference. Through this conference, those of us who have the responsibility of leadership meet to review and discuss the many aspects of our duties as leaders.

At a recent meeting held in Washington, we not only used the workshop technique but also heard presentations from such people as Senator Hugh Scott of Pennsylvania and Senator "Scoop" Jackson of Washington. After presentation from Congressional leaders of this statute, a rap session is held that covers a wide range of topics that cannot but be of help to all who participate.

Let me, at this point, quote a statement by Senator Edmund Muskie of Maine made a few years ago that bears on what I have just said —

"We are concerned here with the role to be played by State Legislatures in a creative federal system. It is a critical role — perhaps a major determinant of the future course of American federalism. . . .

"We must initiate the reforms that will convert our State

Legislatures into responsible and respected — as well as representative — deliberative bodies. . . .

“Put more bluntly, they are reforms that only an aroused citizenry and legislature can enact.”

This quote was made in the context of Senator Muskie serving as Chairman of the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations.

This is a reverse flow of what I was attempting to discuss about our I.R.C. Committee.

Let me now move towards the conclusion of my remarks. I have put before you some thoughts of a State Legislator for one small State who is more determined to see our State Legislature take its rightful place in the scheme of things than ever before.

Reflecting on this great American governmental structure of ours, I am convinced of the role we should play. We do need the outside help of people and organizations to help us keep moving forward but I submit that the only structure that ultimately will keep our progress going is the legislative body itself!

We must have the faith in ourselves as an institution — a faith in what we, in State Government, are destined to do in this great experiment called American Government.

Let me quote a piece of our New Hampshire Constitution that lays out our legislative responsibilities —

“To make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instruction either with penalties or without —”

I believe I can fairly ask the question — can we not afford to strengthen ourselves to meet this challenge?

We need to continue moving in the direction of annual sessions, improved staffing at all levels, physical facilities to work in, compensation, regional and national cooperation. These and a host of other improvements *are* coming on line across the nation. I would also state that from the legislative leadership must come much of the impetus to accomplish the above. In some states, consideration must be given to constitutional changes to unshackle our legislatures to meet 20th century responsibilities.

Think of the magnitude of the responsibilities and duties we have! Creating and modifying tax systems, allocating huge amounts of state and federal funds, contracting educational systems, protecting the health and welfare of our citizens, controlling the powers and capabilities of local governmental units, election laws and the establishment and operation of our courts and prisons.

Let me close with a quote that better expresses some of what I have been trying to say — a quote from a person whom I hold in high regard — Al Abrams, Secretary of the New York Senate

“Most editors, pressure groups, or rank-and-file citizens judge a legislature by simple criteria:

1. What has it done for me lately?
2. Has it voted my views?

The criteria is essentially narrow, often emotional, not infrequently selfish. Reform groups use a different measuring rod:

1. Is the legislature staffed enough, paid enough, housed adequately?
2. Are its committees few in number, its structure streamlined, its work open to the public?

These criteria do not in themselves, while elemental, assure a vibrant legislature. You can have the best-staffed, best-housed, best-paid, annualized, computerized legislature and still have a legislative product as effective as Gomer Pyle.

Legislative leaders need a different kind of evaluation system, nurtured in the belief that no people are truly free without a strong legislature, a powerful law-giving agency freely elected from local districts, representing the full flavor and diversity of a people, its natural economic and political subdivisions around which pride and interests cluster.

The criteria by which free people should judge their legislature is that it be sensitive, communicative, deliberative, investive, respectfully, and judicial.”

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The Speaker announced that Rep. Margaret S. Cote is celebrating a birthday today.

On motion of Rep. Bell the House adjourned at 1:25 p.m.

*Tuesday, 19Mar74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, Our God, give us the grace to discern Your guiding hand in all things, that being neither lifted up in vanity by success, nor cast down in despair by failure, we may press forward with hope and put our trust in You. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Zechel lead the pledge of allegiance.

#### LEAVES OF ABSENCE

Rep. Conley, the week, illness.

Rep. Randall today and tomorrow, illness.

Reps. Harvell, Joncas, Schwaner, David J. Bradley and Vesta M. Roy, the day, important business.

Rep. Valliere, the week, illness in the family.

Rep. Hoar, today and tomorrow, important business.

#### SENATE MESSAGE

#### CONCURRENCE

HCR 5, establishing a schedule of legislative days for the remainder of the special session.

HCR 3, relative to the protection of the New Hampshire fishing industry.

#### COMMITTEE REPORTS

##### **SJR 1**

compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists. Ought to pass. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

Ordered to Third Reading.

**SB 15**

transferring permanent state prison employees from group I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II, and making an appropriation therefore. Ought to pass. Rep. Cushman for Executive Departments and Administration.

Those present voted unanimously in favor of ought to pass as amended by the Senate. The committee feels that this is a necessary measure to attain upgrading for state prison employees.

Referred To Appropriations.

**SB 26**

providing for retirement benefits for supreme and superior court justices. Ought to pass. Rep. Record for Judiciary.

Provides retirement benefits for Supreme and Superior Court judges, no provision now except opportunity to serve as judicial referees. Unanimous vote by committee.

Referred to Appropriations.

**HCR 6**

proclaiming March 26, 1974 as "Robert Frost Day." Ought to pass. Rep. Milne for Resolutions and Screening.

Tribute to a great poet.

*Whereas*, Robert Frost was born on March 26, 1874 and died a poet laureate at the age of 88 in 1963; and

*Whereas*, following his marriage, Robert Frost moved to Derry, New Hampshire, to a farm on the Rockingham Road where for ten years he raised a family, attempted to make a living as a farmer, and ended up as an instructor at Pinkerton Academy; and

*Whereas*, Robert Frost in 1912 left Derry and went abroad to England where he published his first book of poetry, *A Boy's Will*, which received the critical praise of Ezra Pound; and

*Whereas*, Robert Frost went on to become a poet-in-residence at Amherst College, to publish numerous books of poetry; to be poetry consultant to the Library of Congress; to be named Honorary Consultant to the Library of Congress in the Humani-

ties; to read his poems at lecture halls all over the world, culminating in his reading "The Gift Outright" at the inaugural ceremony for President John F. Kennedy in 1961 as well as four Pulitzer Prizes for poetry and a Congressional Gold Medal; and

*Whereas*, although Robert Frost is claimed by many communities and colleges, his roots are deepest in New England and his years in Derry were not forgotten, as can be testified to by his poem about West Running Brook between his Derry Homestead and Pinkerton Academy; and

*Whereas*, the United States Postal Service has chosen Derry, New Hampshire as the location at which to issue a Robert Frost Commemorative ten-cent stamp on March 26, 1974, the fourth of a series of commemorative stamps honoring American poets; now, therefore, be it

*Resolved* by the House of Representatives, the Senate Concurring:

That March 26, 1974 is hereby proclaimed to be "Robert Frost Day" in the state of New Hampshire to honor his memory and his poetry that so well epitomized New England rural life.

Ordered to Third Reading.

## RESOLUTION

Rep. Zachos moved that all bills ordered to third reading, be read a third time by this resolution and that all titles of bills and captions of resolutions be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet tomorrow at 11:00 a.m.

Adopted.



Third reading and final passage.

SJR 1, compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists.

HCR 6, proclaiming March 26, 1974 as "Robert Frost Day."

On motion of Arthur E. Thompson the House adjourned at 11:33 a.m.

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## *Wednesday, 20Mar74*

The House met at 11 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, Our God, You know our every need. Grant us wisdom to know what things to ask for, and grace to accept and use the powers which You are ready to bestow.

We ask this through Christ Our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Coburn led the pledge of allegiance.

### LEAVE OF ABSENCE

Rep. Bernard of Dover, the week, illness.

Former Majority Floor Leader of the House John Pillsbury was introduced and spoke on the Life of Robert Frost, since this is Robert Frost Week and he is one of the members of the N. H. Frost Trustees.

### SENATE MESSAGE

### CONCURRENCE

HB 20, increasing the interest rate of housing authority bonds.

HB 19, increasing the amount of political expenditures

authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court.

HCR 6, proclaiming March 26, 1974 as "Robert Frost Day."

### ENROLLED BILLS REPORT

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court.

HB 20, increasing the interest rate of housing authority bonds.

HB 23, continuing present city of Somersworth's elected officials in office until the next regular election, and legalizing the election of delegates to the constitutional convention from the old wards of said city.

SJR 1, compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists.

Mabel L. Richardson  
*For The Committee.*

---

Reps. George B. Roberts, Jr. and Coutermarsh offered the following resolutions:

### RESOLUTIONS

*Whereas*, we have learned with regret of the deaths of the following members of the House of Representatives:

Rep. Edmond Allard of Manchester

Rep. Charlotte P. Cogswell of Dover

Rep. Frank T. Conway of Manchester

Rep. Romeo A. Desilets of Berlin

Rep. Ernest W. Fletcher of Goffstown

Rep. Charles H. Gay of Derry

Rep. Jacob M. Hackler of Swanzy

Rep. Henry M. Lovejoy of Northwood

Rep. Elmer H. Southard of Littleton

Rep. Donald Sylvain of Rochester

Rep. Hector Trombly of Nashua

Rep. Marcel A. Vachon of Manchester

Rep. Ralph W. Canney of Farmington and Former Representatives

Roy M. London of New London

Jesse R. Rowell of Newport and

Wayne Shirley of Durham

*Whereas*, these Representatives have served their communities faithfully and with efficiency and our loss will be keenly felt, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to their families, and be it further

*Resolved*, that a copy of these resolutions be transmitted to their families.

Adopted by a rising vote and a minute of silent prayer.

## SENATE MESSAGES

### CONCURRENCE HCR WITH SENATE AMENDMENT

HCR 2, establishing a joint committee to study the railroad conditions and related matters in the state of New Hampshire.

(Amendment printed SJ March 19)

Rep. Chase moved that the House concur.

Rep. Newell spoke in favor of the motion.

Adopted.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 16, permitting public accountants to form a professional association.

(Amendment printed SJ March 19)

Rep. Chase moved that the House concur with the Senate amendment.

Rep. Chase explained the Senate amendment.

Adopted.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 15, relative to redistricting the ward lines of the city of Laconia.

(Amendment printed SJ March 19)

Rep. Maguire moved that the House concur with the Senate amendment.

Adopted.

#### COMMITTEE REPORTS

##### SB 10

establishing a sire stakes program and a standardbred breeders and owners development agency. Ought to pass. Rep. Greene for Environment and Agriculture.

The bill establishes a New Hampshire sire stakes program funded by part of the breakage from harness races. Unanimously supported by the committee.

Rep. Plourde offered an amendment.

#### AMENDMENT

Amend RSA 426-A:1 as inserted by section 1 of the bill

by striking out said section and inserting in place thereof the following:

426-A:1 Standardbred Breeders and Owners Development Agency Established. There is hereby established within the department of agriculture the standardbred breeders and owners development agency of New Hampshire, hereafter referred to as the agency. The powers of the agency shall be vested in a board of five trustees to be selected as follows: four members shall be appointed by the governor and council, one of whom shall be a member of the Standardbred Breeders and Owners Association of New Hampshire, and one of whom shall represent New Hampshire racing interests and two of whom shall represent the general public; and the commissioner of agriculture. When the board is first established, one member of the Standardbred Breeders and Owners Association of New Hampshire and one member of the general public shall serve two-year terms; the other appointed members shall serve one-year terms. Thereafter, appointments shall be for two-year terms. Members of the board shall not be entitled to any compensation, but are entitled to reimbursement for mileage and expenses incurred in carrying out their duties. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

Amend RSA 426-A:4 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

426-A:4 Sire Stakes Races. Sire stakes races shall be run at all licensed harness tracks in this state, subject to rules and regulations governing such races promulgated by the board of trustees after consultation with the New Hampshire racing commission.

The clerk read the amendment in full.

Rep. Plourde explained his amendment.

(discussion)

Rep. Greene spoke in favor of the Plourde amendment.

Plourde amendment adopted.

Rep. Daniell moved that the words, inexpedient to legis-

late, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. Read and Plourde spoke against the motion.

Rep. Oleson spoke in favor of the motion.

(discussion)

Reps. Tirrell and Burns non-spoke against the motion.

Rep. Copenhaver non-spoke in favor of the motion.

Rep. Elmer A. Johnson spoke against the motion.

Rep. Tucker moved the previous question.

Sufficiently seconded.

Motion lost.

Referred to Appropriations.

#### **SB 18**

providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change. Ought to pass. McLane for Executive Departments and Administration.

This is essential legislation to provide N. H.'s retired teachers, policemen, firemen, state employees and members of the N. H. Retirement System a necessary cost of living increase. The bill also calls for a thorough study of the funding of the system and makes provisions for former members to rejoin the system.

Referred to Appropriations.

#### **SB 6**

relative to landlord-tenant relations. Majority: Ought to pass with amendment; Rep. McManus for Judiciary. Minority: Inexpedient to legislate. (Rep. Brungot)

This bill provides a reasonable administrative and court

review procedure for landlord and tenant rights presently protected by New Hampshire Supreme Court decisions. Proposed amendment increases from 48 hours to three working days the time allowed for inspection of premises.

Rep. Nelson moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Sayer, Gordon, Brungot, Senter and Rich spoke in favor of the motion.

Reps. Stevenson, Gorman, Maguire, Geiger, Dwyer and Curran non-spoke in favor of the motion.

Reps. McManus, Symons and Madeline C. Townsend spoke against the motion.

Reps. Fred E. Murray, Zachos, Close, Pierce, Nighswander, Gallen, Albert C. Jones, Daniell, Spirou, Hager and McLane non-spoke against the motion.

Reps. Cobleigh, Dupont and Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

143 members having voted in the affirmative and 118 in the negative, the motion carried.

## RECONSIDERATION

Rep. Nelson moved reconsideration on SB 6, relative to landlord-tenant relations.

Reconsideration lost.

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Rep. Drake addressed the House on the fiscal condition of the state.

Comparative Unrestricted Revenue Estimates

Highway Fund

Fiscal Years ended June 30, 1974 and 1975

	FISCAL 1974			FISCAL 1975		
	Conference Committee July 16, 1973	Departments March 12, 1974	Appropriations Committee March 13, 1974	Conference Committee July 16, 1973	Departments March 12, 1974	Appropriations Committee March 13, 1974
		Highway	Safety		Highway	Safety
Gasoline Road Toll	\$39,080,100	\$35,336,471	\$33,714,836	\$41,620,300	\$35,136,324	\$35,593,800
Motor Vehicle Fees	18,342,000	18,342,000	19,542,000	19,442,500	19,442,500	20,000,000
Miscellaneous	525,000	525,000	525,000	525,000	525,000	525,000
Total	\$57,947,100	\$54,203,471	\$53,781,836	\$61,587,800	\$55,103,824	\$56,118,800



APPROPRIATIONS COMMITTEE  
 Projection of Highway Reserve and Unappropriated Surplus  
 for the Biennium Ending June 30, 1975

	<u>Fiscal Year 1974</u>	<u>Fiscal Year 1975</u>
Estimated Unappropriated Surplus (Beginning of year)	\$ 3,885,965	\$ 3,657,175
Highway Inventory Fund (Ch. 376:60, L '73)	396,736	
Estimated Unrestricted Revenue:		
Gasoline Road Toll (Revised)	\$33,714,836	\$35,593,800
Motor Vehicle Fees	19,542,000	20,000,000
Miscellaneous	<u>525,000</u>	<u>525,000</u>
Total Unrestricted Revenue	<u>53,781,836</u>	<u>56,118,800</u>
Estimated Funds available	\$58,064,537	\$59,775,975
Appropriated Funds (Laws of 1973):		
Operating budget (Ch. 376:2 thru 56)	\$61,370,221	\$62,082,664
Additional payroll section 74, VII of operating budget	458,906	-
Legislative specials	<u>1,171,271</u>	<u>1,948,869</u>
Total appropriated funds	<u>\$63,000,398</u>	<u>\$64,031,533</u>
Less, Estimated Lapses	<u>700,000</u>	<u>700,000</u>
	<u>62,300,398</u>	<u>63,331,533</u>
Estimated operating deficit	(\$ 4,235,861)	(\$ 3,555,558)
Bonds authorized (Ch. 376:65, L '73)	<u>3,000,000</u>	<u>3,000,000</u>
Estimated deficit	(\$ 1,235,861)	(\$ 555,558)
Additions:		
Net lapse to fund by HB 1 as introduced	1,837,845	630,056
Additional lapse as amended	1,655,191	1,868,902
Net lapse resulting from revised Federal ratios when applied to existing balances forward (Dept. estimate)	<u>1,400,000</u>	<u>          </u>
Estimated surplus forward to fiscal 1975	<u>\$ 3,657,175</u>	
Estimated surplus June 30, 1975		<u>\$ 1,943,400</u>

APPROPRIATIONS COMMITTEE  
Projection of Highway Reserve and Unappropriated Surplus  
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Additions:		
Net lapse to fund by HB 1 as introduced	* { 1,837,845 }	* { 630,056 }
Additional lapse as amended	1,655,191	1,868,902
Net lapse resulting from revised Federal ratios when applied to existing balances forward (Dept. estimate)	<u>1,400,000</u>	<u>2,498,958</u>
Estimated surplus forward to fiscal 1975	<u>\$ 3,657,175</u>	
Estimated surplus June 30, 1975		<u>\$ 1,943,400</u>
HB1 as amended:		
Article I & II Inflation Appro	(\$ 975,224)	(\$ 1,490,803)
Article IV - Increase Safety Ret. (	137,346)	--
Article IV - Reductions:		
Betterments	1,400,000	1,400,000
Hwy Garage Equip.	300,000	200,000
Fed Aid Cons.	2,264,206	1,701,136
Community Assistance	<u>641,400</u>	<u>688,625</u>
	<u>\$3,493,036</u>	<u>\$ 2,498,958</u>

Comparative Estimates - Unrestricted RevenueGeneral FundFiscal Years ended June 30, 1974 and 1975

	FISCAL 1974			FISCAL 1975		
	Conference Committee July 16, 1973	Departments March 12, 1974	Appropriations Committee March 13, 1974	Conference Committee July 16, 1973	Departments March 12, 1974	Appropriations Committee March 13, 1974
	\$	\$	\$	\$	\$	\$
Beer	3,000,000	3,300,000	3,300,000	3,050,000	3,300,000	3,300,000
Board & Care	2,750,000	2,540,000	2,550,000	2,940,000	2,600,000	2,600,000
Business Profits Tax	20,900,000	21,900,000	22,100,000	21,900,000	21,900,000	22,400,000
Commuter Income Tax	3,750,000	3,750,000	3,600,000	4,000,000	4,000,000	3,750,000
Estate & Legacy Tax	4,800,000	5,000,000	5,200,000	4,800,000	5,000,000	5,000,000
Insurance	6,200,000	6,200,000	6,200,000	6,300,000	6,300,000	6,300,000
Liquor	30,375,000	28,550,000	29,200,000	32,375,000	29,300,000	30,200,000
Meals & Rooms	6,200,000	6,700,000	6,700,000	6,400,000	6,700,000	6,700,000
Other	5,113,000	5,113,000	5,200,000	5,237,000	5,400,000	5,400,000
Racing, Dog	1,000,000	3,500,000	3,500,000	4,000,000	3,500,000	3,500,000
Racing, Harness	4,000,000	3,700,000	3,700,000	4,000,000	3,800,000	3,700,000
Racing, Thoroughbred	5,450,000	4,450,000	4,250,000	5,450,000	5,250,000	5,250,000
Telephone	4,750,000	5,300,000	5,300,000	4,750,000	5,300,000	5,300,000
Tobacco	24,500,000	23,750,000	23,800,000	24,500,000	23,750,000	24,200,000
Utilities	1,200,000	1,400,000	1,400,000	1,250,000	1,450,000	1,450,000
Total Estimated Revenue	\$123,988,000	\$125,153,000	\$126,000,000	\$130,952,000	\$127,550,000	\$129,050,000
	Lapses	Adjustments	Totals	Source		
1970	\$ 3,122,512	1,741,046	4,863,558	Comptroller's Published State- ment.		
1971	----- \$ 3,577,440 \$ 3,577,440	1,499,000 879,274 2,378,274	1,499,000 4,456,714 5,955,714	Comptroller's Statement w/s - 1/ 3/74		
1972	\$ 1,916,571	1,400,040	3,316,611	Comptroller's w/s revised 2/14/74		
1973	\$ 4,127,768	842,883	4,970,651	Comptroller's w/s Revision I dated revised 2/14/74		

Comparative Unrestricted Revenue EstimatesFish & Game FundFiscal Years ended June 30, 1974 and June 30, 1975

	FISCAL 1974			FISCAL 1975		
	Conference Committee July 16, 1973	Department March 12, 1974	Appropriations Committee March 13, 1974	Conference Committee July 16, 1973	Department March 12, 1974	Appropriations Committee March 13, 1974
Fish & Game Licenses	\$2,250,000	\$2,031,385	\$2,031,385	\$2,250,000	\$2,062,232	\$2,062,232
Marine	70,500	70,500	70,500	70,500	70,500	70,500
Recovery from Force Account Crew	80,000	80,000	80,000	50,000	50,000	50,000
Road Toll - Boat Fuel	33,000	33,246	33,246	33,000	33,000	33,000
Off-Highway Recreation Vehicles	190,000	150,000	150,000	190,000	190,000	190,000
Total	<u>\$2,623,500</u>	<u>\$2,365,131</u>	<u>\$2,365,131</u>	<u>\$2,593,500</u>	<u>\$2,405,732</u>	<u>\$2,405,732</u>

APPROPRIATIONS COMMITTEE  
PROJECTION OF DEPARTMENT OF FISH AND GAME UNAPPROPRIATED SURPLUS  
FOR THE BIENNIUM ENDING JUNE 30, 1975

	<u>FISCAL 1974</u>	<u>FISCAL 1975</u>
Estimated Unappropriated Surplus Balance forward	\$ 250,093	\$ 154,972
Estimated Unrestricted Revenue		
Fish & Game (Revised)	\$2,031,385	\$2,062,232
Marine	70,500	70,500
Recovery from Force Account	80,000	50,000
Road Toll - Boat Fund	33,246	33,000
Off-Highway Recreation Vehicles (Revised)	<u>150,000</u>	<u>190,000</u>
Total Estimated Unrestricted Revenue	<u>2,365,131</u>	<u>2,405,732</u>
Estimated Funds Available	\$2,615,224	\$2,560,704
Appropriated Funds:		
Operating Budget (HB 1 As Amended)	\$2,203,412	\$2,174,360
Legislative Specials - Laws 1973	106,733	182,544
Workmens' Compensation Payments	22,732	-
Chap 480 Laws of '73 processed in fiscal 1974 (gas tanks)	<u>1,077</u>	<u>-</u>
Total appropriated funds	<u>2,333,954</u>	<u>2,356,904</u>
Available Funds for Legislative specials	\$ 281,270	\$ 203,800
Pending Legislation and Reserve for Workmen's Compensation House Bill 1 Section 31 - Retirement	\$ 109,798	-
Provision for Workmens' Compensation Payments (3,300 X 5 for 1974) (X 12/75)	<u>16,500</u>	<u>126,298</u>
	<u>39,600</u>	<u>39,600</u>
Estimated Balance Forward to Fiscal 1975	<u>\$ 154,972</u>	
Estimated Unappropriated Surplus Balance June 30, 1975		<u>\$ 164,200</u>

March 18, 1974

Appropriations Committee  
Forecast of General Funds Unappropriated Surplus  
For the Biennium Ending June 30, 1975

Unappropriated Surplus - Beginning of Year	FISCAL 1974	\$ 21,207,977	FISCAL 1975	\$ 20,192,622
Add:				
Revenues:				
Estimated Unrestricted Revenues:				
Estimated Federal Revenue Sharing Revenue*	\$126,000,000		\$129,050,000	
Total	<u>6,400,000</u>		<u>6,545,000</u>	
Less Statutory Obligations:				
Debt Service	\$ 4,097,333		\$ 4,637,893	
Reimbursement to locals	<u>21,041,453</u>		<u>22,093,526</u>	
Total	\$ 25,138,786		\$ 26,731,419	
Estimated Net Revenue Available		\$107,261,214		\$106,863,581
Estimated Funds Available for Operating Expenditures		\$128,469,191		\$129,056,203
Deduct:				
1973 Session Laws:				
Legislative Specials	\$ 4,780,975		\$ 5,874,636	
Operating Budget (Chapter 37e)	<u>103,495,594</u>		<u>109,349,575</u>	
Total amounts appropriated		\$108,276,569		\$115,224,211
Estimated Surplus at end of Year				
exclusive of Lapse*	\$ 20,192,622		\$ 13,831,992	
Contingencies:				
AFUC Contingency	\$ 1,748,935		\$ 2,055,782	
Confederated Health Agency Staffing Grant Funding (Adjusted)	<u>192,102</u>		<u>707,126</u>	
Reduction in Park Division Revenue	650,000			
Total	\$2,591,037		\$ 2,762,908	
1974 Special Session Actions Pending:				
House Bills Passed House:				
HB-1	\$ 1,198,929		\$ 2,592,646	
3	<u>197,391</u>		<u>1,156,527</u>	
4	--		641,476	
5	5,000		3,961,377	
11	--		64,126	
17	--		94,907	
31	<u>26,723</u>		<u>153,006</u>	
Total House Bills Pending		\$ 1,428,043		\$ 8,664,065
Senate Bills passed Senate				
SB-2			\$ 1,000,000	
11			<u>40,000</u>	
15			76,566	
18			<u>670,625</u>	
Total Senate Bills Pending			\$ 1,016,425	
Total Special Session Actions Pending		\$ 2,175,234		\$ 2,133,041
*Lapse Estimates				\$ 10,797,106
				\$ 4,000,000

The Speaker ordered the remarks made by Rep. Drake printed in the Journal.

(discussion)

## COMMITTEE REPORTS CONTINUED

### SB 19

specifying procedures for termination of residential gas or electric services. Ought to pass with amendment. Rep. Record for Judiciary.

Provides for procedure to be followed prior to termination of gas or electric service. Present practice. Amendment gives customer right to have conference by mail or telephone.

## AMENDMENT

Amend RSA 363-B:2, I, as inserted by section 1 of the bill by inserting at the end of said paragraph the following (The conference with the commission may be conducted by writing or telephone if the customer so elects.), so that said paragraph as amended shall read as follows:

I. Any person who receives a notice of intent to terminate service pursuant to RSA 363-B:1 and believes such proposed termination to be unjustified may request, prior to the date specified in the termination notice, a conference with the utility company involved to review the basis for the proposed termination. If the customer is dissatisfied with the outcome of the conference he may, within three days after the conference, request a conference with a staff member of the commission to review the basis for the proposed termination. The conference with the commission may be conducted by writing or telephone if the customer so elects.

Amendment adopted.

Ordered to third reading.

### SB 7

relative to capital improvements to the Mount Washington summit and making an appropriation therefor. Ought to pass. Rep. Dame for Public Works.

The state purchased land and buildings on the summit of Mt. Washington in 1964 for use as a state park facility. For several years prior to this time and since, governors have appointed study committees to study development of the summit. In 1969 a Mt. Washington commission was established by the Legislature to continue with the studies and to present a development plan for legislative consideration.

SB 7 presents the commission recommendation. The bill proposes an appropriation for capital improvements on the summit. It also establishes a Mt. Washington fund which will be composed of fees received from the use or lease of the new state owned facilities. It will include the sizable donations which the commission plans to obtain through solicitation of private interests. The purpose of the fund will be to pay the principal and interest on the bonds issued for the project.

Referred to Appropriations.

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House resolution requesting an advisory opinion from the Attorney General relative to manpower training and other federal programs. Refer to Committee on Municipal and County Government. Rep. Milne for Resolutions and Screening.

Referred to Municipal and County Government.

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In honor of those members who have served twenty or more years in the New Hampshire General Court Resolutions were presented to the following Representatives.

Rep. Fayne E. Anderson

Rep. Agenor Belcourt

Rep. Kenneth G. Bell

Rep. L. Waldo Bigelow

Rep. Hilda C. F. Brungot

Rep. Walter O. Bushey

Rep. Edward D. Clancy

Rep. C. Cecil Dame



Rep. Edwin W. Eastman  
 Rep. Guy J. Fortier  
 Rep. Martha McD. Frizzell  
 Rep. Rebecca A. Gagnon  
 Rep. Daniel J. Healy  
 Rep. Lucien J. Lambert  
 Rep. F. Albert Sewall  
 Rep. Earle L. Soule  
 Rep. Doris Spollett  
 Rep. Malcolm J. Stevenson

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Rep. Goodrich is celebrating a birthday today.

#### RESOLUTION

Rep. George B. Roberts, Jr. moved that SB 19, be read a third time by this resolution and that the title be the same as adopted, and that it be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be in honor of those who have served twenty or more years as Legislators, to meet Tuesday next at 11:00 a.m.

Adopted.

Third reading and final passage

SB 19, specifying procedures for termination of residential gas or electric services.

#### MILEAGE REPORT NEW MEMBERS

	Miles
CHESHIRE COUNTY	
Dist. 5 (Swanzey)	
Augustine J. Marshala, Swanzey	60
Dist. 15 (Keene, Ward 4)	
Muriel K. Cooke, Keene	56

## GRAFTON COUNTY

Dist. 14 (Lebanon, Wards 1, 2, & 3)	
Joanne L. Symons, Lebanon	61

## HILLSBOROUGH COUNTY

Dist. 8 (Goffstown)	
Armand A. Archambault, Goffstown	24
Jo Ellen Orcutt, Goffstown	17
Antonio J. Roy, Jr., Goffstown	16
Dist. 18 (Nashua, Ward 3)	
Robert D. Tropea, Nashua	35
Dist. 26 (Manchester, Ward 12)	
James A. Normand, Manchester	21
Dist. 30 (Manchester, Ward 6)	
Dorothy J. Drewniak, Manchester	25

## ROCKINGHAM COUNTY

Dist. 4 (Derry)	
Paul A. Gibbons, Derry	27.5
Dist. 15 (North Hampton, Stratham)	
Franklin Wolfsen, North Hampton	50

## STRAFFORD COUNTY

Dist. 11 (Rochester, Ward 4)	
Arthur Gagnon, Rochester	42
Dist. 17 (Dover, Ward 5)	
Leo E. Lessard, Dover	38

The Mileage Committee wishes to thank those members who served during the Special Session as Monitors and Alternates.

# BILLS PRESENTED TO THE GOVERNOR ON MARCH 20 FOR ACTION

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in

congress, governor's councilor, county officer, state senator or representative to the general court.

HB 20, increasing the interest rate of housing authority bonds.

HB 23, continuing present city of Somersworth's elected officials in office until the next regular election, and legalizing the election of delegates to the constitutional convention from the old wards of said city.

SJR 1, compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists.

On motion of Rep. Joseph L. Eaton the House adjourned at 2:23 p.m.

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## *Tuesday, 26Mar74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, our God, as we celebrate the 100th Anniversary of the birth of Robert Frost, give us the vision and the sensibility of the poet, that we may always work for the good, the true, and the beautiful. We ask this through Christ, Our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Cooke led the pledge of allegiance.

### LEAVES OF ABSENCE

Rep. Randall of Seabrook, the day, illness.

Rep. Pierce of Laconia, today and tomorrow, important business.

Rep. Casassa of Hampton, indefinite, important business.

Rep. Erickson of Nashua, the week, important business.

Rep. Record of Nashua, the day, important business.

## SENATE MESSAGES

## CONCURRENCE

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

HB 12, conforming tax commission references in the current use taxation law to the revised revenue administration laws.

## CONCURRENCE SB WITH HOUSE AMENDMENT

SB 19, specifying procedures for termination of residential gas or electric services.

CONCURRENCE HB WITH  
SENATE AMENDMENT

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services. (Amendment printed in SJ March 20)

Rep. Hanson moved that the House non-concur<sup>2</sup> in the Senate amendment and that a Committee of Conference be established.

(discussion)

Adopted.

The Speaker appointed Reps. Benton, Cate, Burke, Hanson and Timothy J. O'Connor.

## INTRODUCTION OF SENATE RESOLUTIONS

SJR 3, establishing a committee to study highway safety and motor vehicles weight, length and width requirements.

Referred to Committee on Rules.

SCR 3, relative to school safety patrol.

## CONCURRENCE

Reps. French and Milne moved that the House concur.

Adopted.

ENROLLED BILLS REPORT

HB 12, conforming tax commission references in the current use taxation law to the revised revenue administration laws.

HB 15, relative to redistricting the ward lines of the city of Laconia.

HB 16, permitting public accountants and nurses to form registered professional associations.

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

SB 19, specifying procedures for termination of residential gas or electric services.

SUPREME COURT DECISION

*To the House of Representatives:*

The undersigned justices of the supreme court submit the following reply to the inquiries contained in your resolution adopted March 7, 1974, as amended by your supplementary resolution adopted March 13, 1974.

House bill 34 is entitled "An Act relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products." The first part provides for the enactment of RSA ch. 162-H establishing a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities in this State including oil refineries. The second part (section 4 of the bill) would enact RSA ch. 78-C entitled "Refined Petroleum Products Tax" to the provisions of which your questions appear to be directed.

Question No. 1 reads as follows: "Is the classification of refined petroleum products a legitimate classification of property under Article 6 of Part Second of the Constitution of New Hampshire?"

It is well established that our legislature has liberal powers with respect to the classification of taxable property. *Opinion of the Justices*, 111 N.H. 131, 134, 276, A.2d 817, 819 (1971).

A reasonable classification which is sufficiently inclusive to constitute a distinctive class will be upheld. *Opinion of the Justices*, 97 N.H. 543, 544, 81 A.2d 851, 852 (1951). The property to be taxed under the proposed bill is refined petroleum products which include "motor oil, kerosene, residual oil, fuel oil, gasoline, petroleum asphalts, road oils and other distillates and petrochemicals produced from crude petroleum by any person in this state."

The uses and storage of such products are regulated by law because they are highly inflammable and constitute a hazard to the public safety unless handled with care. RSA 153:14 (Supp. 1973); RSA 339:22-26 (Supp. 1973). Products of this class are generally recognized as subjects of taxation. *Opinion of the Justices*, 88 N.H. 500, 505, 190 A. 801, 805 (1937); also *Tirrell v. Johnson*, 86 N.H. 530, 536, 171 A. 641, 644 (1934). The method of their manufacture is distinctive and the end products are markedly different from all other kinds of fuel and energy. The incidence of the tax would depend upon a characteristic event not common to other property. *Havens v. Attorney General*, 91 N.H. 115, 119, 14 A.2d 636, 638 (1940).

We are of the opinion that refined petroleum products constitute a legitimate classification of property under N. H. CONST. pt. II, art. 6. *Havens v. Attorney General supra*; *Opinion of the Justices*, 94 N.H. 506, 52 A.2d 94 (1947); *Opinion of the Justices*, 111 N.H. 131, 134, 276 A.2d 817, 819 (1971). The answer to question No. 1 is "Yes."

Question No. 2 is the following: "Is the exemption for refined petroleum products produced for distribution in New Hampshire a permissible exemption?" It has been stated that under our constitution "[t]he power of the legislature to classify property into taxable and non-taxable groups includes power to grant reasonable exemption from taxation. . . . 'If the distinction made is a reasonable one, in the sense that it may be deemed to be just, it is sufficient' [citation omitted]. The resulting inequality or discrimination against unexempted property is not fatal to the constitutionality of the exemption.'" *Opinion of the Justices*, 87 N.H. 490, 491, 178 A. 125, 126 (1935); *Opinion of the Justices*, 97 N.H. 533, 536, 81 A.2d 845, 848 (1951). The exemption of refined petroleum products produced for distribution and consumption within this State is intended to insure an adequate supply of these products thus

promoting the State's general welfare. This constitutes a just reason for the exemption. *Opinion of the Justices*, 88 N.H. 500, 511, 190 A. 801, 808 (1937); *Opinion of the Justices*, 112 N.H. 32, 34, 287 A.2d 756, 757 (1972).

We must take judicial notice that there is no oil refinery presently operating in this State. Hence the volume of petroleum products to be produced by a future refinery, and the proportion to be sold here or in interstate commerce, must necessarily be conjectural. It is well-established federal law that State taxation, whatever its form, which discriminates against interstate commerce is invalid. The crude oil received from outside New Hampshire will have ceased to be in interstate commerce at the time of its refining in this State, which is the taxable event, and will not then have reentered the stream of interstate commerce. *Coe v. Errol*, 116 U.S. 517, 29 L. Ed. 715, 6 S. Ct. 475 (1886); *United Air Lines, Inc. v. Mahin*, 410 U.S. 623, 630, 35 L. Ed. 2d 545, 93 S. Ct. 1186, 1191 (1973). Thus no burden upon interstate commerce will result from the tax. See *Coe v. Errol*, 62 N.H. 303 (1882). The substantial services which this State will provide the refinery such as police and fire protection and public access roads, may rationally be considered to justify limiting the tax to products destined to be sold outside of New Hampshire. *United Air Lines, Inc. v. Mahin supra*; see *Northeast Airlines, Inc. v. Aeronautics Comm'n*, 111 N.H. 5, 273 A.2d 676 (1971). However, the determination of whether the exemption in question would render the tax on such products discriminatory against interstate commerce is within the jurisdiction of the federal courts in the last instance.

It follows that our answer to question No. 2 is "Yes" the proposed exemption is permissible under our constitution. However we cannot state unequivocally that it is also permissible under the federal constitution.

Your question No. 3 asks: "Is the imposition of a barrel tax on refined petroleum products a valid exercise of the state's taxing power?" The bill proposes a tax at a flat rate of five cents per barrel of petroleum products produced. The absence of a refinery in this State again renders necessary the making of certain assumptions on which to base an answer. If two refineries should locate in this State and produce various petroleum products each having a different value, the flat rate of five cents per

barrel would result in a tax at different rates on the products of the two producers and thus violate the uniformity and proportionality requirements of N.H. CONST. pt. II, art. 5, and would be unconstitutional. In the absence of any factual basis by which to determine the effect of the application of a barrel tax, we must answer question No. 3 "No."

Question No. 3-a reads as follows: "Would it be a valid exercise of the state's taxing powers to amend the taxing provisions of the proposed statute so as to provide that the tax in question be levied as an *ad valorem* tax, namely, a reasonable and uniform percentage of the fair value per barrel of such refined petroleum products?" As we said in answer to question No. 1, the petroleum products to be taxed under this bill constitute a distinctive class of property which has been generally recognized as a proper subject of taxation. *Havens v. Attorney General*, 91 N.H. 115, 14 A.2d 636 (1940). The incidence of the tax depends upon a characteristic or distinctive event, the refining of crude oil to petroleum products. The tax proposed by this question would be at a reasonable and uniform percentage of the fair value of each barrel of the refined products. We are of the opinion that such a tax would meet the requirements of the New Hampshire constitution. *Opinion of the Justices*, 94 N.H. 506, 52 A.2d 294 (1947); *see Opinion of the Justices*, 111 N.H. 131, 134, 276 A.2d 817, 820 (1971).

The local activity of refining would not be an integral part of interstate commerce and no other State could impose a similar tax for the incidence of refining which took place here. *Cf. Michigan-Wisconsin Pipe Line Co. v. Calvert*, 347 U.S. 157, 166, 98 L. Ed. 584, 591, 74 S. Ct. 396, 401 (1954). The fact that after refining, some part of the resulting products might be sold within the State and part outside in interstate commerce would not affect the power of New Hampshire to tax it. *Nashville C. & St. L. R. Co. v. Wallace*, 282 U.S. 249, 75 L. Ed. 322, 51 S. Ct. 153 (1932).

We are of the opinion that the tax proposed in question No. 3-a would not violate our State constitution or the Federal Constitution and would be valid. Our answer to question No. 3-a is "Yes."

Your question No. 4 reads: "In all respects, other than those to which the preceding three questions relate, is the proposed statute constitutional upon its face?" The limitation of time, if



our answer is to be of assistance to you, precludes review of sections other than section 4 of House bill 34, and we respectfully ask to be excused from further answer.

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
Robert F. Griffith

March 20, 1974

*To the House of Representatives*

I share the views of the other justices except as to question No. 2. Although the proposed statute is phrased in terms of an exemption of products "produced for distribution and consumption within the state," its effect is to impose a tax only on those products which enter interstate commerce.

There is no question but that interstate commerce can be made to pay a nondiscriminatory share of the tax burden. The cases cited by the other justices (*Coe v. Errol*, 116 U.S. 517 (1886)) and *United Airlines, Inc. v. Mahin*, 410 U.S. 623 (1973) were both cases where the tax fell equally on both intrastate and interstate commerce. In *McGoldrick v. Berwind-White Coal Mining Co.*, 309 U.S. 33, 84 L. Ed. 565, 60 S. Ct. 388 (1940), a tax on the sale of coal was upheld because it was applied equally to all coal sold whether it went into intrastate or interstate commerce.

Federal cases emphasize that any tax on interstate commerce must be nondiscriminatory and that a state may not promote its own economic advantages by placing a burden on interstate commerce. See for example *Henneford v. Silas Mason Co.*, 300 U.S. 577, 81 L. Ed. 814, 57 S. Ct. 524 (1937); *Alaska v. Arctic Maid*, 366 U.S. 199, 6 L. Ed. 2d 227, 81 S. Ct. 929 (1961); *North Western Cement Co. v. Minnesota*, 358 U.S. 450, 3 L. Ed. 2d 421, 79 S. Ct. 357 (1958); *H. P. Hood & Sons v. DuMond*, 336 U.S. 525, 93 L. Ed. 865, 69 S. Ct. 657 (1949); *Commonwealth of Pennsylvania v. State of West Virginia*, 262 U.S. 553, 67 L. Ed. 1117, 43 S. Ct. 658 (1923).

Because of the substantial loss which the State would suffer in tax revenues in the event of the invalidation by the federal courts of the statute if enacted with the exemption, I simply wish to alert the House of Representatives to that provision of

the proposed act which I think makes its validity under the Federal Constitution suspect. Whether the risk should be taken is of course not for us to determine.

William A. Grimes

March 20 1974.

The Speaker announced that Mr. Richard Ahern brought his grandfather's gavel in for ceremonial use.

William J. Ahern, Democrat, Representative for 16 terms 1896-1928. Speaker in 1923 session. This is the gavel presented to him.

Richard Ahern and sister are in gallery.

## COMMITTEE REPORTS

### SB 22

establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state. Ought to pass with amendment. Rep. Hager for Education.

There have been several tuition bills entered into the legislature recently. This bill will establish a committee to study the various ideas about funding for private higher education.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Committee to Study Assistance for Private Higher Education. There is hereby established an interim study committee to study and develop a plan for providing public assistance to private institutions of higher learning in this state. The committee shall consist of two senators appointed by the president of the senate, three members of the house of representatives appointed by the speaker of the house, and three persons jointly appointed by the president of the senate and the speaker of the house after consultation with the New Hampshire university and college council, one to represent the university of New Hampshire system, one to represent private institutions of higher learning in the state, and one to represent the postsecondary education commission. The committee shall elect a chairman from among

its members. Committee members shall not receive compensation. The committee shall study various forms of public assistance which may be provided for private institutions of higher learning and shall develop a recommended plan for such assistance. The committee shall submit its findings and recommendations, together with a draft of any proposed legislation, to the 1975 regular session of the General Court no later than the last Wednesday of December, 1974.

Amendment adopted.

Rep. Stevenson offered an amendment.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 New Cooperative. The Lafayette Regional School District and the Bethlehem School District are hereby authorized and empowered to form a new junior high school and high school cooperative school district pursuant to the provisions of RSA 195:18. The articles of agreement executed for the purpose of forming such new cooperative school district shall be submitted to the voters of the Lafayette Regional School District and the Bethlehem School District for approval or rejection as provided by RSA 195:18. If such articles are adopted resulting in the formation of a new cooperative school district, the existing Lafayette Regional School District and Bethlehem School District shall continue to function as separate entities charged with the elementary grade level education of students within the respective districts. Upon adoption of such articles resulting in the formation of a new junior high school and high school cooperative school district, all inconsistent provisions contained in the existing articles of agreement of the Lafayette Regional School District and in the by-laws of the

Bethlehem School District shall be repealed by operation of this act to the extent that they are inconsistent with the articles of agreement of the new junior high school and high school district.

3 Building Aid. If the Lafayette Regional School District and the Bethlehem School District become part of a new junior high school and high school cooperative school district as provided in section 2, the articles of agreement may provide that all state aid thereafter payable on account thereof to the new cooperative school district shall be calculated as if Easton, Franconia, Sugar Hill, and Bethlehem were four separate pre-existing school districts.

4 Referendum. This act shall not take effect unless it is adopted by a majority vote at a regular or special meeting of the Lafayette Regional School District and the Bethlehem School District as hereinafter provided. The warrants for said meetings shall contain an article relative to the approval of this act and the school district clerks shall prepare a special ballot on which shall be the following question: "Shall the provisions of 'An Act relating to the Lafayette Regional School District and the Bethlehem School District' enacted at the 1974 special session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of voters present and voting on the question at each meeting shall vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said meetings, the school district clerks shall certify to the secretary of state the result of the vote on the question.

5 Effective Date. Sections 1 and 4 shall take effect upon passage of this act. Sections 2 and 3 shall take effect upon adoption as provided in section 4 of this act.

Rep. Stevenson moved to dispense with the reading of the amendment.

Adopted.

Rep. Stevenson explained his amendment.

Rep. French spoke in favor of the amendment.

Stevenson amendment adopted.

Ordered to third reading.

**SB 3**

changing the compensation of certain state law enforcement employees.

A necessary addition to those eligible for overtime pay, plus an amendment to a law passed last session on payment of witness fees that through an error has been costing the counties too much in fees to off-duty law enforcement officers.

Referred to Appropriations.

**SB 11**

establishing a state historic preservation office and making an appropriation therefor. Ought to pass. Rep. Tucker for Executive Departments and Administration.

This legislation, similar to SB 137 of the last session, which was vetoed and then recreated by an executive order, puts into law what is now Executive Order 73-26.

Referred to Appropriations.

**SB 5**

providing that a person cannot be denied unemployment compensation benefits if he refuses a job too distant from his home. Ought to pass with amendment. Rep. Sanborn for Labor, Human Resources and Rehabilitation.

This bill has been completely amended. To be implemented in case an emergency arrives.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**An Act**

providing unemployment benefits under certain circumstances to persons involuntarily unemployed due to the unavailability of gasoline for automobiles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Report on Unemployment. At the end of each month, the commissioner of the department of employment security

shall prepare a report of the number of individuals who have been determined by said department to be unable to apply for work or unable to continue their work during such month because they were unable to commute to work due to the unavailability of gasoline. Such report shall be presented to the governor on the first business day of the following month.

2 Emergency Power. Upon a finding by the governor that conditions so warrant, he may, with the consent of the council, declare that an emergency exists throughout the state which is indicated by involuntary unemployment or continued unemployment caused by the lack of gasoline. During the period specifically stated in the declaration, the following provisions shall apply:

I. Availability. No individual shall be denied unemployment compensation under RSA 282 solely for failing to accept or apply for work which is beyond his commuting ability because of the unavailability of motor fuel for privately-owned automobiles if he has reasonably exhausted alternative methods of commuting, including car pools, as determined by the commissioner or his authorized representative.

II. Search for Work. No search for work by an individual shall be deemed unreasonable under RSA 282 if such search is involuntarily restricted due to the unavailability of motor fuel for privately-owned automobiles, and if the individual has reasonably considered and taken advantage of alternative methods for conducting job-hunting activities, as determined by the commissioner or his authorized representative.

III. Voluntary Leaving. Any individual who is forced to leave his work through no fault of his own because of the unavailability of motor fuel for individual automobiles shall be deemed to be involuntarily unemployed under RSA 282 if he has taken reasonable advantage of alternative methods for continuing to commute to said work, as determined by the commissioner or his authorized representative.

3 Effective Date. This act shall take effect upon its passage and shall remain in effect only up to and including March 31, 1975. After such date, the provisions of this act shall become void and of no force and effect.

Amendment adopted.

Rep. Spirou moved that SB 5 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. Stevenson spoke in favor of the motion.

Adopted.

## **SB 12**

to further protect the rights of mobile home owners by requiring the consumer protection division of the attorney general's office to promulgate guidelines as to what constitutes reasonable rules and regulations for mobile parks and by requiring that tenants be given copies of such rules and regulations. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

The amendment replaces the entire original SB 12, and generally provides protection to mobile home owners, in addition to that protection already provided by SB 28 (Chapter 291-1973). Legislation requires owners/operators of mobile home parks to furnish each tenant with a copy of "rules and regulations" for the park; also permits owners/operators to charge reasonable rates (comparable to nearby localities) for fuel and gas furnished from a central source to the tenants.

An additional feature of the bill, for benefit of mobile home park owners/operators, gives them the right to require, that the first mobile home to be placed on each lot, in a newly constructed mobile home park be purchased from the park owner/operator.

## **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

### **An Act**

to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Tenant to be Given Copy of Rules. Amend RSA 205-A:2 (supp) as inserted by 1973, 291:1, by inserting after paragraph VI the following new paragraph:

VII. On or after July 1, 1974, fail to provide each tenant who resides in his park with a written copy of the rules and regulations of said mobile home park. Said rules and regulations shall set forth the terms and conditions of the tenancy and shall contain the following notice at the top of the first page printed in capital typewritten letters or in 10 point bold face print:

#### **Important Notice Required by Law**

THE RULES SET FORTH BELOW GOVERN THE TERMS OF YOUR RENTAL AGREEMENT WITH THIS MOBILE HOME PARK. THE LAW REQUIRES ALL RULES AND REGULATIONS OF THIS PARK TO BE REASONABLE. NO RULE OR REGULATION MAY BE CHANGED WITHOUT YOUR CONSENT UNLESS THIS PARK GIVES YOU 90 DAYS ADVANCE NOTICE OF THE CHANGE.

SUBJECT TO THE TERMS OF ANY WRITTEN LEASE AGREEMENT, YOU MAY CONTINUE TO STAY IN THIS PARK AS LONG AS YOU PAY YOUR RENT AND ANY OTHER LAWFUL CHARGES, FOLLOW THE RULES AND REGULATIONS OF THE PARK AND APPLICABLE LOCAL, STATE AND FEDERAL LAW, DO NOT DAMAGE PARK PROPERTY AND DO NOT REPEATEDLY BOTHER OTHER TENANTS IN THE PARK. YOU MAY BE EVICTED FOR NONPAYMENT OF RENT, BUT ONLY IF YOU FAIL TO PAY ALL RENT DUE WITHIN THIRTY DAYS AFTER YOU RECEIVE WRITTEN NOTICE THAT YOU ARE BEHIND IN YOUR RENT.

YOU MAY ALSO BE EVICTED FOR NOT FOLLOWING THE RULES AND REGULATIONS OF THIS PARK BUT ONLY IF THE RULES AND REGULATIONS ARE REASONABLE, YOU HAVE BEEN GIVEN WRITTEN NOTICE OF YOUR FAILURE TO FOLLOW THE RULES, AND YOU THEN CONTINUE TO BREAK THE RULES.



## YOU MAY NOT BE EVICTED FOR JOINING A TENANT ORGANIZATION.

IF THIS PARK WISHES TO EVICT YOU, IT MUST GIVE YOU 60 DAYS ADVANCE NOTICE, EXCEPT IF YOU ARE BEHIND IN YOUR RENT, IN WHICH CASE ONLY 30 DAYS NOTICE IS REQUIRED. THE EVICTION NOTICE MUST GIVE YOU THE REASON FOR THE PROPOSED EVICTION.

YOU HAVE THE RIGHT TO SELL YOUR HOME IN PLACE TO ANYONE AS LONG AS THE BUYER AND HIS HOUSEHOLD MEET THE RULES OF THIS PARK. YOU MUST NOTIFY THE PARK IF YOU INTEND TO SELL YOUR HOME. FAILURE TO DO SO MAY MEAN THAT THE BUYER WILL BE REQUIRED TO MOVE THE HOME FROM THE PARK.

COPIES OF THE LAW UNDER WHICH THIS NOTICE IS REQUIRED MAY BE OBTAINED FROM THE CONSUMER PROTECTION DIVISION OF THE ATTORNEY GENERAL'S OFFICE, STATE HOUSE ANNEX, CONCORD, NEW HAMPSHIRE 03301.

2 Second Purchaser Must Comply with Park Rules. Amend RSA 205-A:2, II (supp) as inserted by 1973, 291:1, by inserting in line six after the word "withhheld" the following (The park owner or operator may require as a condition of said permission that the purchaser and his household meet the current rules of the park.) and by striking out in line six after the word "withhheld" the following "and", so that said paragraph as amended shall read as follows:

II. Deny any resident of a mobile home park the right to sell at a price of his own choosing, said resident's mobile home within the park or require the resident or purchaser to remove the mobile home from the park solely on the basis of the sale thereof. The park owner or operator may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withhheld. The park owner or operator may require as a condition of said permission that the purchaser and his household meet the current rules of the park. The park owner or operator shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home owner pursuant to a written contract.

3 Central Fuel Systems Allowed. Amend RSA 205-A:2, III, (supp) as inserted by 1973, 291:1 by inserting in line four after the word "company" the following (However, the park owner or operator may impose reasonable conditions relating to central fuel and gas meter systems in the park. If such conditions are imposed, the charges for such goods and services shall not exceed the average prevailing price in the locality for similar goods or services.) so that said paragraph as amended shall read as follows:

III. Require any tenant to purchase any goods or services, including but not limited to fuel oil, paving, snow plowing, dairy products, laundry service, bakery products, and food products, from any particular person or company. However, the park owner or operator may impose reasonable conditions relating to central fuel and gas meter systems in the park. If such conditions are imposed, the charges for such goods and services shall not exceed the average prevailing price in the locality for similar goods or services.

4 Park Owner May Sell the First Unit on a New Lot. Amend RSA 205-A:2, V, (supp) as inserted by 1973, 291:1 by inserting in line two after the word "person" the following (unless the person designated is the park owner or operator and the requirement is imposed only in connection with the initial leasing or renting of a newly-constructed lot or space not previously leased or rented to any other person.) so that said paragraph as amended shall read as follows:

V. Require any tenant, or person seeking space in the mobile home park, to purchase a mobile home from any particular person unless the person designated is the park owner or operator and the requirement is imposed only in connection with the initial leasing or renting of a newly-constructed lot or space not previously leased or rented to any other person.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## SB 17

relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related

facilities for the university of New Hampshire and making an appropriation therefor. Ought to pass with amendment. Rep. Ellis for Public Works.

This bill with its Senate and House amendments appropriates capital expenditures for the N. H. Port Authority, fishing pier projects at Hampton and Rye, and a marine science facility, as outlined in the amended title of the bill. The committee after field study and review of the project voted to pass as amended.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of two million three hundred thousand dollars is hereby appropriated to the New Hampshire Port Authority for the construction of a second docking facility for oceangoing vessels in Portsmouth, provided however that no funds shall be expended under this section until completion of a study commissioned jointly by the department of resources and economic development, the city of Portsmouth and the Southeastern Regional Planning Commission at their expense to determine the desirability of such expenditure for the extension of the Port Authority facilities. Such study, to be completed no later than December 31, 1974 shall include but not be limited to consideration of warehousing, cold storage facilities and the nature of ownership and shall be the basis of a report to be submitted to the fiscal committee of the general court and the governor and council. If such report and recommendations are approved by both the fiscal committee and the governor and council, the bonds authorized may be used to fund the facilities so recommended by the report.

Amend section 3 of the bill by striking out paragraph I of said section and inserting in place thereof the following:

I. Commercial fishing pier and docking facility in the city of Portsmouth on land to be leased from the city of Portsmouth at rental of not more than one thousand dollars per year.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation for Pier in Rye and Hampton. The sum

of three hundred fifty thousand dollars is hereby appropriated to the department of resources and economic development for the construction of a fishing pier and recreational boating facilities in Hampton harbor and/or Rye harbor. The department shall be entitled to charge reasonable user fees which shall be dedicated to the maintenance of the facility.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Marine Science Facilities. The department of resources and economic development is directed to locate suitable docking and support marine science facilities of the university of New Hampshire at locations under its jurisdiction, jurisdiction of the Port Authority or other locations suitable for this purpose subject to concurrence of the board of trustees of the university of New Hampshire. The sum of fifty thousand dollars is hereby appropriated to the department of resources and economic development to construct or reconstruct or add to docking facility for this purpose. This appropriation shall not be transferred or expended for any other purpose.

Rep. Newell commented on the bill.

(discussion)

Reps. Raymond, Drake, Maynard and Zachos spoke in favor of the bill.

Amendment adopted.

Referred to Appropriations.

#### **SB 4**

relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission. Ought to pass with amendment. Rep. Clafin for Resources, Recreation and Development.

Reference is made to the analysis on the printed bill. The Senate amendment puts the bill in line with the criminal code. The House amendment clarifies the responsibility of violators and assigns civil forfeiture solely to enforcement.

#### **AMENDMENT**

Amend RSA 149-E:7 as inserted by section 1 of the bill by

striking out said section and inserting in place thereof the following:

149-E:7 Penalties.

I. Any person who shall violate any of the provisions of this chapter or who shall knowingly fail, neglect or refuse to obey any order of the commission or member or authorized agent of the commission issued under the authority of this chapter, or who shall knowingly make any misstatement of material fact for which said person is personally responsible in connection with an application for an approval pursuant to this chapter shall be guilty of a misdemeanor if a natural person; or guilty of a felony if any other person.

II. Any person who knowingly produces any erroneous or fallacious data with regard to any application or plan submitted pursuant to this chapter shall bear the full responsibility for same, and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

III. Notwithstanding any other penalty or fine for which liability is provided under this chapter, any person may be liable to the state, in an action commenced in the name of the state, for a civil forfeiture of not more than five thousand dollars for such violation, failure, neglect, refusal or any misstatement for which said person is personally responsible. Such forfeiture may be levied by the superior court in connection with actions for injunctive relief commenced pursuant to RSA 149-E:8. The proceeds of any civil forfeiture levied under this section shall be utilized in the enforcement of this chapter.

Amendment adopted.

Ordered to third reading.

**SB 24**

authorizing cities and towns to grant franchises for cable television systems. Ought to pass with amendment. Rep. Chase for Statutory Revision.

The bill clarifies the conditions under which towns and cities may grant franchises for cable television systems.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 53-B the following new chapter:

### Chapter 53-C

#### Franchising and Regulation of Cable Television Systems by Cities and Towns

53-C:1 Definitions. As used in this chapter unless the context clearly indicates otherwise:

I. "Cable television system" means the service of receiving and amplifying signals broadcast by one or more television or radio stations and distributing such programs by wire, cable, microwave or other means, whether or not such means are owned by or leased to persons who subscribe to such service. Such system shall not include a master antenna television system.

II. "Master antenna television system" means a cable television system which serves only the residents of one or more apartment dwellings under common ownership, control or management, and any commercial establishment located on the premises of such apartment house and which transmits only signals broadcast over the air by stations which may be viewed normally or heard locally without objectionable interference, and which does not provide any additional service over its facilities.

III. "Franchising authority" means in the case of a city, the city council, and in the case of a town, the selectmen, when authorized by an annual or special town meeting.

IV. "Municipality" means any city or town.

V. "Person" means any individual, partnership, corporation, municipality or other legal entity.

53-C:2 Franchise Required. No person shall construct, commence construction, or operate a cable television system in any municipality without first obtaining a written franchise from the franchising authority of each municipality in which such system is installed or to be installed.

53-C:3 Authority to Grant Franchises. Any franchising authority is hereby authorized to grant, renew, amend or rescind for cause franchises for the installation and operation of cable television systems in accordance with the provisions of this

chapter within the geographical limits of its respective towns or cities.

**53-C:4 Authority to Establish Fees and Impose Conditions.** In conjunction with the rights granted in said franchises, any franchising authority may require reasonable fees payable to the municipality and may impose conditions not inconsistent with applicable Rules and Regulations of the Federal Communications Commission, as amended from time to time.

**53-C:5 Existing Operations.** Any existing contract, license, permit, resolution or other accepted authorization for a cable television system which is in operation as of the effective date of this act, or for a cable television system which has substantially completed the installation of equipment and facilities as of such date, shall be deemed to be a franchise under the provisions of this chapter until the earlier of the expiration of its stated term, if any, or the date of any renewal or amendment required under applicable Rules and Regulations of the Federal Communications Commission, as amended from time to time.

2. Effective date. This act shall take effect upon its passage.

At the request of Rep. Patrick, Rep. Fred E. Murray answered questions.

Amendment adopted.

Ordered to third reading.

## **SJR 2**

establishing an interim committee to study oil companies and other energy suppliers. Ought to pass with amendment. Rep. Chase for Statutory Revision.

The resolution will continue the work of an Ad Hoc Committee to study oil companies and energy suppliers. The amendment removes the subpoena power and would pay usual expenses rather than legislative mileage.

Reps. Daniell, Spirou, Gerry F. Parker, Chandler and Nelson spoke against the amendment.

Rep. Newell explained the committee report.

(discussion)

Amendment lost.

Rep. Parker moved that SJR 2 be reported inexpedient to legislate.

The clerk read SJR 2 in full.

Rep. Parker spoke in favor of his motion.

Reps. Coutermarsh, Nelson, Daniell and Spirou spoke against the motion.

(discussion)

Reps. John T. Winn and Patrick spoke in favor of the motion.

Rep. Plourde spoke against the motion.

Rep. Fred E. Murray non-spoke in favor of the motion.

Rep. Arthur F. Mann moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative, SJR 2 was reported inexpedient to legislate.

## **SB 8**

relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights. Ought to pass with amendment. Rep. Nighswander for Judiciary.

This bill with amendment restores the provisions of the law regarding waiving of surviving spouse's rights to those effective prior to the 1973 legislation.

## **AMENDMENT**

Amend RSA 560:10 as inserted by section I of the bill by inserting after paragraph III the following new paragraph:

That part of the estate not passing to the surviving spouse as provided in paragraphs I through III shall pass in accordance with the terms of the will, provided that the surviving spouse shall take nothing under the will.



Amend the bill by striking out section 2 and renumbering sections 3 through 5 to read as

2 , 3 , and 4 respectively.

Amend the bill by striking out section 4 and inserting in place thereof the following:

#### 4 Effective Date.

I. Sections 1 and 2 of this act shall take effect at midnight of the day of its passage and shall apply to the estates of persons deceased after midnight of such day; provided, however, that estates in which a surviving spouse has waived the will in his favor and which are subject to the provisions of 1973, 293 in effect prior to such effective date may elect to be subject to the provisions of this act upon filing the written consent of all interested parties to the estate with the probate court within sixty days of the filing of the waiver or release of the will and home-stead right as provided in RSA 560:14.

II. Section 3 of this act shall take effect upon its passage.

Amendment adopted.

Rep. Bourassa offered an amendment.

### AMENDMENT

Amend the bill by striking out RSA 170-C:7 as inserted by section 3 of the bill and inserting in place thereof the following:

170-C:7 Notice. After a petition has been filed, the court shall set the time and place for a hearing and shall give notice thereof to the petitioner who shall cause notice to be given to the parents of the child, the guardian of the person of the child, the person having legal custody of the child, any individual standing in loco parentis to the child, and the guardian ad litem of any party. Where the child's parent is a minor, notice shall also be given to said minor's parents or guardian of the person unless the court is satisfied, in the exercise of its discretion, that such notice is not in the best interest of said minor and that it would serve no useful purpose. Notice shall be given by personal service to the parent whose parental rights may be terminated pursuant to the petition that has been filed. Where it shall appear impractical to personally serve said par-

ent, the court shall order service by certified mail to the parent's last known address or publication once a week for two successive weeks in a newspaper of general circulation in the area where that person was last domiciled or both. All other parties shall be given notice by regular mail at their last known address. The hearing shall take place no sooner than twenty days after service of notice, except that if notice is by publication the hearing shall take place no sooner than seven days after the last date of publication.

The clerk read the amendment in full.

Rep. Bourassa explained his amendment.

Reps. Close and Frizzell spoke against the Bourassa amendment.

Rep. Sayer spoke in favor of the Bourassa amendment.

Rep. Bourassa spoke a second time in favor of his amendment.

(discussion)

Bourassa amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Nelson moved to reconsider the action of the House in requesting a committee of conference on HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services, and that it concur with the Senate in the passage of HB 7 as amended by the Senate.

Adopted.

Rep. Pryor commented on HB 7.

### RECESS

### AFTER RECESS

### SB 29

exempting enterprises selling spirits and wines to the state of New Hampshire from the business profits tax. Majority:

Inexpedient to legislate. Rep. Nutt for Ways and Means. Minority: Ought to pass with amendment. (Rep. Cunningham)

*Majority:* This bill is designed to solve a special problem of out of state vendors of liquor to the N. H. Liquor Commission. In so doing it is believed a dangerous precedent may be set in allowing special deductions for a single product.

The liquor vendors are in a high profit industry and warehousing liquor in New Hampshire is a part of their profit structure and assures them of continuity of the New Hampshire market. There is little doubt that taxes paid New Hampshire as required under the Business Profits Tax are deductible in their corporate taxes paid elsewhere.

Further, the bill would exempt from the Business Profits Tax a special New Hampshire industry, liquor and wine, from the Business Profits Tax on products sold to the state. If applied to liquor a bad precedent would be established which, if accepted, could lead to exemption from the Business Profits Tax all local products sold to the state.

Solution to sort of a special problem should not be sought by tampering with a major segment of the state tax structure.

*Minority:* With only eleven members of the Ways and Means Committee voting on SB 29, the minority feels that the issue involved in this very important bill should be brought before the House (*as amended*) for full discussion.

Rep. Cunningham moved that the report of the minority, ought to pass with amendment, be substituted for the majority report, inexpedient to legislate, and spoke in favor of his motion.

Rep. Nutt spoke against the motion.

(discussion)

Rep. Gerry F. Parker spoke against the motion.

Reps. Parr, Joseph L. Cote, Drake and Coutermarsh spoke in favor of the motion.

Reps. Harvell, Dupont and Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

146 members having voted in the affirmative and 156 in the negative, the motion to substitute lost.

Majority report, inexpedient to legislate.

Resolution adopted.

### SENATE MESSAGES

Senate passed SB 31 and asked the Concurrence of the House.

SB 31, authorizing the city of Berlin to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by issue of revenue bonds. Referred to Rules Committee under Joint Rule 10.

### RECONSIDERATION

Rep. Nutt moved reconsideration on SB 29, exempting enterprises selling spirits and wines to the state of New Hampshire from the business profits tax.

Reconsideration lost.

### GOVERNOR'S VETO MESSAGE

Pursuant to the provisions of Part II, Article 44 of the Constitution, I return herewith House Bill 19, a bill increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. Senator, representative in Congress, Governor's Councilor, county officer, state senator or representative of the General Court.

My objections are briefly noted below:

1. This bill would enshrine political hypocrisy in our statutes.

It would increase the amount state-wide candidates, such as governor and U. S. Senator could spend in primary elections and again in general elections from \$67,056.60 to \$111,761.00 by changing the formula from 15c per qualified voter in the last election to 25c. This would be a 66.6 per cent increase in authorized expenditures. It would also increase the limit of spending for other candidates for public office.

The American public has been outraged by the excessive expenditures of candidates seeking political office. This is not the time nor is New Hampshire the place to raise the limit on campaign spending. If anything we should be considering reductions.

Politicians of all parties have called loudly for campaign reform. As in so many worldly problems money is the taproot of the matter. There can be no true reform without a recognition that the amount of money spent in a campaign must be severely controlled and restricted.

I am surprised indeed that neither political party and very few political leaders have spoken out vigorously against this bill. Why, at this late hour, should any politician have difficulty in understanding that the average citizen is weary of political double-talk?

Deprecations alone against the Watergate disclosures will not purify a politician for next fall's election.

Regardless of party, I am confident that voters will judge all candidates by their actions and not by unctuous protestations of righteousness. That certainly is the conclusion to be read from recent polls showing that politicians have the lowest rating of any group.

2. Proponents of this measure suggest that 66.6 per cent increase provided for state-wide offices is necessary to off-set the effect of inflation on campaigning. This is not so.

The provision of RSA 70:4 that HB 19 would amend was last amended in 1967 when the 15 cents per qualified voter of the last election was first used as a formula.

Under the formula a candidate for state-wide office could spend in the primary of 1964 \$25,000. It was the same in 1966.

Authorized political expenditures for a state-wide office for the past ten years show the following:

1964	\$25,000.00
1966	25,000.00
1968	53,343.90
1970	56,805.90
1972	58,033.50
1974	67,056.60

Thus in ten years the sum authorized for campaigning for a state-wide office has increased by 168 per cent.

The cost of some major items in campaigning has increased as follows:

Items	1964	1974	% Increase
1st Class Postage	.05	.10	100
5 min. prime radio time at one station	\$9.00	\$25.00	278
10" (2 x 5 ) space on page one state-wide paper	\$208.00	\$340.00	163
1 gallon gasoline	36.9	52.9	43

3. New Hampshire election laws on campaign expenditures and accountability are among the best in the nation.

For example, the Council of State Governments indicates the following limitations in the states that have limitations on a state-wide candidate such as governor.

Florida	\$250,000
Iowa	30 cents per voter
New Jersey	50 cents per voter
Oregon	15 cents per voter
Utah	\$100,000 media communications
Washington	A sum equal to twice that paid for governor's salary

We should keep New Hampshire as it is if our voters are to have a free choice in the selection of competence, quality, and representation on issues when considering candidates.

In many states where there is little if any restraint on authorized campaign expenditures, the voters' only alternative is a choice between two or more persons of wealth.

Thus, we are building in America, imperceptibly and quite beyond the intent of the Founding Fathers, an oligarchy of fat cats.

In many places only persons of wealth, or those few whose connections are such that they can solicit wealth, can afford to seek public office.

I would hope that in New Hampshire we will continue to keep open the door to high public office to any qualified person regardless of actual or attracted wealth.

4. By raising the ante, that is the amount allowed for a campaign, we are told that somehow it will make a candidate more honest.

Just the opposite is apt to be true. The bigger the pot the more attractive it will be for those who thirst for power rather than an opportunity to serve their fellowman.

5. It is suggested that an incumbent has an advantage, especially over a heretofore unknown candidate.

This is probably true. But having a larger sum to spend helps the incumbent just as much as the newcomer.

### CONCLUSION

House Bill 19 would help create a class of professional politicians. We need instead more new faces from the ranks of citizens offering to participate in government by seeking public office.

I would hope that on second reflection the Legislature would sustain my objection to the bill and thus preserve that high degree of democracy that now flourishes in our state.

Sincerely,

Meldrim Thomson, Jr.

Rep. Zachos moved consideration of the Governor's veto message on HB 19 be made a special order for tomorrow.

Rep. Coutermarsh spoke in favor of the motion.

Adopted.

### COMMITTEE REPORTS CONTINUED

#### SB 2

to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-

five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law. Majority: Ought to pass with amendment; Rep. Hall for Ways and Means. Minority: Ought to pass with further amendment. (Reps. Splaine, Donnelly and Nardi)

Majority: This bill basically the original Senate Bill 2 and HB 293 as vetoed by Governor Thomson for lack of funding. The committee proposes funding with \$2,000,000.

The homeowners' exemption section, as amended by the Senate, consists of basically technical amendments providing for hearings at the local level before being placed on the ballot.

The committee amendment provides for procedures to allow rescinding formerly not contained in the original Homeowners' Act.

The committee has voted to recommend that the House divide the question.

Minority: The Minority agrees with the Majority in accepting Senate Bill 2 and the suggested amendments, but wish to offer an additional amendment.

The Homeowners' Exemption Property Tax Relief Law passed in 1973 that has been adopted in several communities throughout the State with a population totalling about 100,000, has several areas of concern that need attention.

The Minority amendment, which lost in a tie vote in the Ways and Means Committee, will provide continuation of the local option home rule approach built into the original law while guaranteeing more adequate relief for the aged and those living in smaller homes.

A. Removing the \$8,000 base below which exemptions may be granted, and providing a proper referendum for the change. This eliminates discrimination, and provides relief for lower valuations;

B. Connecticut the part of Senate Bill 2 that gives additional tax relief to persons over 80 years of age if they would otherwise qualify by income and asset limitations set forth by the bill;



C. Exempting those over age 65 from the present \$8,000 level, and equalizing the \$8,000 figure so it remains equitable from community to community.

This amendment absolutely does not affect any community not adopting the Homeowners' Exemption law. It is completely a local option referendum, home rule decision by the people.

Rep. Sayer moves that the question be divided and that the division be as follows:

Div. I (exemption for the elderly), Sections 1-6 and Sections 22, 23 and 24

Div. II (homeowners' exemption), Sections 7-21  
and that each division and amendments thereto be decided separately.

Adopted.

Rep. Hall explained SB 2.

(discussion)

Rep. Hall yielded to Rep. Nutt to answer questions.

Question being on the adoption of majority amendment.

#### AMENDMENT

Amend the bill by striking out section 23 and inserting in place thereof the following:

23 Appropriation. There is hereby appropriated the sum of two million dollars for the fiscal year ending June 30, 1975, to be disbursed to the cities and towns pursuant to RSA 72:42-a. Said appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Reps. Martineau, Gerry F. Parker, Hanson and George E. Gordon spoke against the majority amendment.

Rep. Gorman spoke in favor of the majority amendment.

At the request of Rep. T. Anne Webster, Rep. Nutt answered questions.

Reps. Sayer and Sara M. Townsend non-spoke in favor of the majority amendment.

Reps. Read and Altman spoke in favor of the majority amendment.

Rep. Gerry F. Parker requested a division.

173 members having voted in the affirmative and 78 in the negative, the majority amendment, Div. 1, was adopted.

Rep. Boisvert offered an amendment.

Reps. Parker and Spirou spoke against the Boisvert amendment.

A division was requested.

It being manifestly in the negative, the Boisvert amendment lost.

Question being on the adoption of the committee amendment, Div. 2.

Committee amendment adopted.

Rep. Splaine offered an amendment.

### AMENDMENT

Further amend the bill as follows.

Amend the bill by striking out RSA 72:44, I as inserted by section 7 of the bill and inserting in place thereof the following:

I. A town desiring to adopt the provisions of this subdivision may have the question placed on the warrant for an annual or special town meeting by action of the selectmen or by petition in RSA 39:3. Such question shall be presented for voter approval on a separate ballot and shall be worded as follows:

"Shall the town adopt the homeowners' exemption provisions of RSA 72 granting a \$5000 exemption based on equalized assessed valuation in all owner-occupied units, or a \$10,000 exemption based on equalized assessed valuation on all owner-occupied units by persons over sixty-five years of age?"

Upon the ballot containing the question shall be printed

the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question; and the voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

Amend the bill by striking out RSA 72:45 as inserted by section 9 of the bill and inserting in place thereof the following:

**72:45 Owner-Residents Exempted.**

I. Every person who has the legal or beneficial title in equity to real property including a mobile home in this state and who resides thereon and in good faith makes the same his permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption of five thousand dollars of assessed valuation as determined by the department of revenue administration from all taxation except for special assessment on said home up to an assessed valuation determined by the department of revenue administration. In no case, however, shall the remaining assessed valuation be less than eight thousand dollars on any homestead, in any city or town which adopted the provisions of RSA 72:44-60 prior to April 1, 1974 and which has not removed such prohibition under RSA 72:44-b. Said title may be held solely, jointly or in common with others and said exemption may be apportioned among such of the owners as shall reside thereon as their respective interests shall appear. The exemption provided herein shall be allowed on each condominium parcel occupied by its owner and on any other entity recognized at law as realty and occupied by its owner.

II. If property in a town or city is not assessed at its full and true market value, the amount of valuation exempted and the remaining assessed valuation when applicable shall be reduced to the proportionl level that such valuations bear to one hundred percent as determined by the department of revenue administration.

III. The remaining assessed valuation limitation of eight thousand dollars, as provided in paragraph I, or its equivalent as equalized by the department of revenue administration, shall

apply as provided in paragraph I only to property owned by persons under the age of sixty-five.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Applicability. Amend RSA 72 by inserting after section 44 the following new sections:

72:44-a Applicability of 1974 Amendments. Any city or town which shall have adopted the provisions of RSA 72:44-60 prior to April 1, 1974 shall be deemed to have adopted such provisions as amended by sections 7 through 20 of the act inserting this section, provided that:

I. The validity of the adoption of the homeowners' exemption in such city or town shall not be affected by any added requirements imposed pursuant to the provisions of sections 7 through 20 of said act; and

II. The provisions of RSA 72:44 and 72:45, prior to such amendment, relative to prohibiting exemptions in any case in which the equalized assessed valuation falls below eight thousand dollars shall remain in effect in such city or town unless removed pursuant to RSA 72:44-b.

72:44-b Referendum to Remove Prohibition.

I. Any city or town which adopted the provisions of RSA 72:44-60 prior to April 1, 1974 may, by referendum as provided in this section, remove the prohibition against granting an exemption when the equalized assessed valuation falls below eight thousand dollars. The question for removing such prohibitions shall be put to the voters at an annual or special town meeting or at a regular municipal election for the election of city officers if the same procedures as are required for placing the question of adoption of this subdivision under RSA 72:44, I or II, respectively, are fully complied with.

II. The question shall be presented for voter approval on a separate ballot with proper provisions for the voter to clearly indicate his choice and shall be worded as follows:

"Shall the town (or city) remove the prohibition against granting a homeowners' exemption under RSA 72 when the valuation of an owner-occupied unit falls below \$8,000?"

III. Upon approval of the question by a majority of those voting on the question, such prohibition shall be removed commencing with the April first next following the referendum.

Amend the bill by striking out all after section 24 and inserting in place thereof the following:

25 1974 Referendum Allowed. Notwithstanding any other provision of law, in any city to which RSA 72:44-b may apply, the referendum permitted by RSA 72:44-b may be presented for voter approval at the regular biennial election held in November 1974, provided that all other requirements of RSA 72:44-b are fulfilled. The clerk of any such city shall prepare a separate ballot in the form provided by RSA 72:44-b.

26 Exemption for Elderly Extended. Amend RSA 72:60, as inserted by 1973, 482:2, by striking out said section and inserting in place thereof the following:

72:60 Tax Exemption for Elderly.

I. The provisions of RSA 72:39-43 relative to certain tax exemptions for the elderly shall not apply in any town or city which adopts the provisions of this subdivision except as provided in this section.

II. In any town or city which has adopted the provisions of this subdivision, any person who is eligible for an exemption under this subdivision and also meets the requirements for exemption under RSA 72:39-43 shall be entitled to exemption under the provisions which provide the greater exemption for such person. The determination of eligibility for exemption shall be made by the selectmen or assessors.

III. In the event that application of paragraph II results in the exemption of any person under RSA 72:39-43, the town or city granting the exemption shall be entitled to compensation for loss of taxable valuation in the same manner and at the same time as is provided under RSA 72:42-a except that the amount of the payment to the city or town shall be determined as herein provided. The "full value rate percent of taxation referred to in RSA 72:42-a" shall be determined as though this section had not been in effect. The amount of the payment to the city or town shall be determined by multiplying this full value rate percent of taxation times the additional valuation exempted from taxation under this section.

27 Effective Date. This act shall take effect April 1, 1974.

Rep. Splaine spoke in favor of his amendment.

(discussion)

Reps. Coutermarsh, Duprey, Chambers, Spirou, Read and George I. Wiggins spoke in favor of the Splaine amendment.

Reps. Daniell, Anthony Stevens, Rousseau, Lessard, Roderick O'Connor, Hodgdon, Maynard, Harvey, Plourde and Nardi non-spoke in favor of the Splaine amendment.

Rep. Ellis moved the previous question.

Sufficiently seconded.

Adopted.

Splaine amendment adopted.

Rep. George I. Wiggins offered an amendment.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An Act

to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor and repealing homeowner's exemptions provisions.

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Exemption Compensation for Municipalities. Amend RSA 72 by inserting after section 42 the following new section:

72:42-a Compensation for Exemption. To compensate cities and towns for the loss of taxable valuation under RSA 72:39, a payment as determined in this section shall be made to such cities and towns by the state treasurer as soon as possible after the total payments due to all cities and towns under this section in that year have been determined. If the appropriation made to provide funds for these payments is insufficient in any year to provide full payments hereunder, the sums distributed to the cities and towns shall be reduced on a pro rata basis. The report,

filed under RSA 41:15 shall indicate the amount of valuation exempted in the city or town under RSA 72:39. At the time that he determines the rate percent of taxation for the city or town, the commissioner of revenue administration shall determine a "full value rate percent of taxation" which would have been necessary in that city or town had RSA 72:30 not been in effect. The amount of the payment to the city or town under this section shall be determined by multiplying this full value rate percent of taxation times the amount of valuation exempted under RSA 72:39 in that city or town in the year for which the payment is made. Any payment made under this section shall be considered as revenue received by the city or town in determining the budget needs for the ensuing fiscal year.

8 Appropriation. There is hereby appropriated the sum of two million dollars for the fiscal year ending June 30, 1975, to be disbursed to the cities and towns pursuant to RSA 72:42-a. Said appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Repeal. RSA 72:44-60 (supp), as inserted by 1973, 482:2, relative to homeowners' exemption are hereby repealed.

10 Effective Date. This act shall take effect April 1, 1974.

The clerk read the amendment in full.

Rep. Wiggins explained his amendment.

Reps. Splaine, Elizabeth E. Goff, Gerry F. Parker, Spirou, Daniell and Bednar spoke against the Wiggins' amendment.

(discussion)

Reps. Patrick and DeCesare non-spoke against the Wiggins' amendment.

Reps. Read, Belair, Sununu, Albert C. Jones and Hall spoke in favor of the Wiggins' amendment.

Reps. Cunningham, Anne B. Gordon, Leonard A. Smith, McLane, Curran, Roma A. Spaulding, Seamans, Scamman, Dorothy W. Davis, Donald K. Howard, Helen F. Wilson, Roy M. Davis, Mattice, Elmer S. Wiggin, Philip C. Heald, Tilton, Polak, Ladd, Barrus, Harvell, Gorman, William P. Boucher,

Vesta M. Roy, Conley, Harold E. Thomson, Enright, Beckett, Sara M. Townsend, Hanson, Elmer L. Johnson and Ellis non-spoke in favor of the Wiggins' amendment.

Reps. Boisvert, Tucker and Ellis moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

207 members having voted in the affirmative and 75 in the negative, the Wiggins' amendment was adopted.

SB 2 referred to Appropriations.

### SENATE MESSAGES CONCURRENCES

HB 27, relative to amending certain provisions of the Off Highway Recreation Vehicle Law, RSA 269-C.

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks.

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 18, requiring local approval prior to approval of site plans for oil refineries.

(Amendment printed HC Mar. 26)

Rep. Hanson moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Hanson, Sununu, Ethier, Benton and Madeline C. Townsend.

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Rep. Vesta M. Roy is celebrating a birthday today.

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### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered



to third reading, be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House.

Adopted.

Third reading and final passage.

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights.

SB 12, to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School district and Bethlehem school district.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

## SENATE MESSAGES

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 35, providing for twenty years retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.

Reps. Rebecca A. Gagnon, Arthur Gagnon, Harold E. Thomson, Buskey, Roy M. Davis, McLaughlin, Olden, Barrus, Hodgdon, Maynard, Connors, Palfrey, Stimmell, Sweeney, Grady, Page, Chasse, Pray, Maguire, Cecelia L. Winn, Mary J. Sullivan, Ruel, Kincaid, Parnagian, Davison, Lamy, Deoss,

Benjamin A. Brown, Peabody, Roderick K. O'Connor, Chandler, Zoncas, Clancy, Matheson, Boisse, Barker, Dupont, Lefebvre, Belcourt, Colby, Cummings, Splaine, Donnelly, Fan, Lewko, Scott, McDonough, Twigg, T. Anne Webster, Record, Sayer, Belair, Tibbetts, Timothy K. O'Connor, Twardus and Cullity, nonspoke in favor of concurring with the Senate amendment to HB 35.

(Amendment printed HC March 26)

Rep. Drake moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Rep. Drake spoke in favor of his motion.

Reps. George B. Roberts, Jr. and Coutermarsh spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. Drake, George B. Roberts, Jr., Coutermarsh, Weeks and Roderick H. O'Connor.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 2, making appropriations for capital improvements.

(Amendment printed SJ March 26)

Rep. Arthur F. Mann moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Rep. Raymond spoke in favor of the motion.

Rep. Tarr non-spoke in favor of concurring.

(discussion)

A division was requested.

156 members having voted in the affirmative and 108 in the negative, the motion to nonconcur prevailed.

The Speaker appointed Reps. Arthur F. Mann, Raymond, John B. Goff, Daniels and Belair.

#### NOTICE OF RECONSIDERATION

Rep. Gorman served notice that today or some subsequent

day he will ask reconsideration of the House action in killing SJR 2, establishing an interim committee to study oil companies and other energy suppliers.

### BILLS PRESENTED TO THE GOVERNOR

March 26

HB 12, conforming tax commission references in the current use taxation law to the revised revenue administration laws.

HB 15, relative to redistricting the ward lines of the city of Laconia.

HB 16, permitting public accountants and registered professional nurses to form professional associations.

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

SB 19, specifying procedures for termination of residential gas or electric services.

### BILLS SIGNED BY THE GOVERNOR

February 20

SB 14, relative to election of delegates to the constitutional convention from Berlin.

March 12

HB 9, increasing the debt limit for the Londonderry school district.

HB 28, authorizing Franklin Pierce College to grant the degree of juris doctor.

March 25

HB 20, increasing the interest rate of housing authority bonds.

HB 23, continuing present city of Somersworth's elected officials in office until the next regular election, and legalizing the election of delegates to the constitutional convention from the old wards of said city.

SJR 1, compensating Rene Boucher for mileage while serving on the Committee of Voter Registration and Checklists.

## BILLS VETOED BY THE GOVERNOR

March 25

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court.

On motion of Rep. George B. Roberts, Jr. the House adjourned at 7:10 to meet tomorrow at 10:00 a.m.

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*Wednesday, 27Mar74*

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Almighty God, Our heavenly Father, guide us, we beseech You, into the way of justice and truth.

Establish among us that peace which is the fruit of righteousness.

We ask this through Christ our Lord. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Orcutt led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Edward A. Johnson, the day, illness.

Rep. Aubut, indefinite, illness.

Rep. Randall, today and tomorrow, illness.

Reps. Hough and Taber, the day, important business.

## SENATE MESSAGES

## CONCURRENCE

HB 3, An act relative to establishment of a food stamp program and making an appropriation therefor.

## ENROLLED BILLS REPORT

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

Mabel L. Richardson

*For The Committee*

## CONCURRENCE HB's WITH SENATE AMENDMENT

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

(Amendment printed SJ March 26)

Rep. Frizzell moved that the House concur with the Senate amendment.

Adopted.

HB 33, relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission.

(Amendment printed SJ March 26)

Rep. Claffin moved that the House nonconcur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Claffin, Ladd, Tilton, Olsson and Harriman.

## REPORT OF RULES COMMITTEE

HCR 7, ought to pass. Rep. George B. Roberts, Jr. for Rules.

*Whereas*, there is a definite need to obtain, evaluate and make decisions on the needs of the elderly within each state region of New Hampshire, and

*Whereas*, there is a further need to recommend, solicit, obtain, grant and administer funding and programming efforts to prevent, alleviate and solve, so far as possible, any and all of the problems of the elderly from governmental or nongovernmental sources;

*Now Therefore Be It Resolved* by the House of Representatives, the Senate concurring:

That a joint committee is hereby established to study the need for the creation of independent agencies with proportional representation of local governmental districts for the administration and distribution of federal funds from the Administration on Aging. Said committee shall be composed of three House members appointed by the Speaker of the House and two Senate members to be appointed by the President of the Senate. Said committee is to report back to each of their respective bodies no later than January 1, 1975.

The clerk read the resolution in full.

Adopted.

Rep. Benton moved the procedure for today be as follows:

In the interests of assuring the fairness of debate in the House and of utilizing the members' time to the maximum benefit, I move that the House procedure for today be as follows:

The principal proponent and principal opponent of each bill shall be granted unlimited time to speak. Thereafter, each member speaking in favor of or opposed to the bill shall be limited to two (2) minutes.

Only the principal proponent and opponent, or a member of the committee involved, shall respond to questions.

Rep. Benton spoke in favor of his motion.

Reps. George E. Gordon, Spirou and Gerry F. Parker spoke against the motion.

(discussion)

Rep. Benton subsequently withdrew his motion.

(Deputy Speaker in the Chair)

## COMMITTEE REPORTS

### SB 31

authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within

each such city by the issue of revenue bonds. Recommended that the bill be introduced. George B. Roberts, Jr. for Rules.

Adopted. Referred to Municipal and County Government.

## **SB 20**

providing for regulation of franchise agreements for the sale of gasoline. Ought to pass with amendment. Rep. Palfrey for Executive Departments and Administration.

This bill has been slightly amended from the Senate version to give independent gasoline dealers some additional protection and to require the posting of fuel prices on all pumps.

### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### **An Act**

providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

Amend RSA 339-C:4, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A supplier shall not impose any conditions on a dealer which are not stated in the agreement between the parties, unless mutually amended or modified.

Amend RSA 339-C:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The remedy provided for in this section is in addition to all other remedies available under contract or as provided by law or equity, including injunctive relief. If the court finds that the violation of this chapter has been wilful the court may allow reasonable attorney fees.

Amend RSA 339-C:8, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Provisions requiring a dealer to take in any advertising or promotional campaigns which will require the dealer to accept any posters, stamps, tickets, gifts, bonuses, premiums, or any other promotional items; or

Amend RSA 339-C:8, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Provisions requiring a dealer to purchase any products of the supplier other than gasoline or diesel fuel. The dealer may, however, agree to accept such products on consignment, but not exclusive as to like products; or

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Posting of Motor Fuel Prices. Amend RSA 339 by inserting after section 30 the following new section:

339:30-a Gasoline and Diesel Fuel Prices.

I. All persons who shall offer for sale or sell any gasoline or diesel fuel at retail shall post the price of all grades of such gasoline or diesel fuel on the pump from which such fuels are dispensed. Such posted prices shall be in numerals not less than four inches high and three-quarters of an inch in width. Numerals indicating fractions or portions of whole numbers on any posted price shall be at least one-half the size of the whole number on such display, and all posted prices shall reflect the total price of such fuel, including all taxes thereon. All posted prices shall be clearly visible from both sides of the pump from either direction of a motorist's approach to the pump in a normal approaching manner for fuel.

II. Any person who shall violate the provisions of this section shall be guilty of a violation.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## SB 27

to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in



certain circumstances. Majority: Ought to pass; Rep. H. Gwendolyn Jones for Judiciary. Minority: Ought to pass with amendment. (Reps. Lewko, Southwick and Alukonis)

Majority: Provides for life imprisonment for convicted murders with no parole. Only pardon is by governor and council.

Minority: The minority feels that capital punishment, is justified for specific crimes as established by a recent Supreme Court ruling (Furnam vs. Georgia). This bill creates what we believe is a constitutionally acceptable form of capital punishment in New Hampshire. It sets forth eight (8) categories of victims.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

to better protect the safety of New Hampshire citizens and law enforcement officers by authorizing capital punishment in certain circumstances, consistent with the New Hampshire constitution and decisions of the supreme court.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Capital Murder. Amend RSA 630:1 (supp) as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

630:1 Capital Murder.

I. A person is guilty of capital murder if he:

(a) Purposely causes the death of another; or

(b) Knowingly causes the death of

(1) A law enforcement officer acting in the line of duty;

(2) Another before, after, while engaged in the commission of, or while attempting to commit rape as defined in RSA 632:1 or deviate sexual relations as defined in RSA 632:2, I;

(3) Another before, after, while engaged in the commis-

sion of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(4) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(5) Another in perpetrating or attempting to perpetrate arson as defined in RSA 634:1, I, II, or III;

(6) Another for his personal pecuniary gain after having been criminally solicited to cause said death by any person;

(7) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state or any member or member-elect of the congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1, I (a), "purposely" shall mean that the actor's conscious object is the death of another, and that his act or acts were wilful and in furtherance of that object.

III. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, or any other local, state or federal official whose duties include enforcement of the criminal law.

IV. A person convicted of a capital murder shall be punished by death.

V. As used in this section and RSA 630:2, 3, 4, and 5, the meaning of "another" does not include a foetus.

2 Non-Capital Murder. Amend RSA 630 (supp) as inserted by 1971, 518:1 by inserting after section 1 the following new section:

630:1-a Non-Capital Murder.

I. A person is guilty of a non-capital murder if:

(a) He knowingly causes the death of another, or

(b) He causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Non-capital murder shall be punishable by imprisonment for life for such term as the court may order.

3 Manslaughter. Amend RSA 630:2 (supp), as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

630:2 Manslaughter.

I. A person is guilty of a class A felony when he causes the death of another

(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or

(b) Recklessly.

4 Bail in Capital Murder Cases. Amend RSA 597:1 (supp), as amended, by striking out in line one the words "capital offenses" and inserting in place thereof the following (offenses punishable by death) so that said section as amended shall read as follows:

597:1 When Allowed. Except for offenses punishable by death where the proof is evident or the presumption is great, all persons arrested for crime shall, before conviction, be released on personal recognizance or be bailable by sufficient sureties, whichever justice may require.

5 Challenges in Capital Murder Cases; Defendant. Amend RSA 606:3, as amended, by striking out in line two the words "which may be" so that said section as amended shall read as follows:

606:3 Challenges, Defendant. Every person arraigned and put on trial for an offense punishable by death, unless he stand wilfully mute, may, in addition to challenges for cause, peremptorily challenge twenty, and in any other case the accused may so challenge three, of the jurors.

6 Challenges in Capital Murder Cases; State. Amend RSA 606:4, as amended, by striking out in line one the words "which may be" so that said section as amended shall read as follows:

606:4 Challenges, State. Upon the trial of any offense punishable by death, the state, in addition to challenges for cause, shall be entitled to ten, and in any other case to three, peremptory challenges.

7 Release From Life Sentence. Amend RSA 651:45-a (supp), as inserted by 1973, 370:38, by inserting in line three after the word "nature" the following (and committed prior to November 1, 1973) so that said section as amended shall read as follows:

651:45-a Eligibility for Release; Life Sentences. A prisoner serving a sentence of life imprisonment, except one convicted of murder which was psycho-sexual in nature and committed prior to November 1, 1973, may be given a like permit at any time after having served eighteen years which shall be deemed the minimum term of his sentence for the purposes of this section, minus any credits earned under the provisions of RSA 651:55-a, 55-b, and 55-c, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

8 Eligibility for Parole; Persons Convicted of Psycho-sexual Murder. Amend RSA 651:45-b (supp), as inserted by 1973, 370:38, by inserting in line two after the word "nature" the following (and committed prior to November 1, 1973) so that said section as amended shall read as follows:

651:45-b Eligibility for Parole; Persons Convicted by Psycho-sexual Murder. A prisoner serving a sentence of life imprisonment who has been convicted of murder which was psycho-sexual in nature and committed prior to November 1, 1973 shall not be eligible for parole until he shall have served forty years minus any credits earned under the provisions of RSA 651:55-a, 55-b, and 55-c and until the board shall recommend to the superior court that said prisoner should be released on parole. The superior court shall have a hearing on the recommendation of the board at which all interested parties, including the attorney general, may appear and present evidence. If it shall appear to the superior court after said hearing that there

is a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself as a good citizen, the court may order him released on parole with such conditions as it may deem just.

9 Psycho-sexual Murder Certified. Amend RSA 651:45-c (supp), as inserted by 1973, 370:38, by inserting in line two after the word "murder" the following (committed prior to November 1, 1973) so that said section as amended shall read as follows:

651:45-c Psycho-sexual murder Certified. Whenever any person is convicted of murder, committed prior to November 1, 1973, the presiding justice shall certify, at the time of sentencing, whether or not such murder was psycho-sexual in nature.

10 Death Sentences. Amend RSA 630 by inserting after section 4 the following new sections:

630:5 Form. Where penalty of death is imposed the sentence shall be, that the defendant be imprisoned in the state prison at Concord until the day appointed for his execution, which shall not be within one year from the day sentence is passed, and that he shall be then hanged by the neck until he is dead.

630:6 Place; Witnesses. The punishment of death shall be inflicted within the walls or yard of the state prison. The sheriff of the county in which the person was convicted, and two of his deputies, shall be present, unless prevented by unavoidable casualty. He shall request the presence of the attorney general or country attorney, clerk of the court and a surgeon, and may admit other reputable citizens not exceeding twelve, the relations of the convict, his counsel and such priest or clergyman as he may desire, and no others.

11 Rights of Accused in Capital Murder Cases. Amend RSA 604:1 (supp), as amended, by striking out in lines one and two the words "a felony the punishment of which may be death" and inserting in place thereof the following (an offense punishable by death) so that said section as amended shall read as follows:

604:1 Capital Cases. Every person indicted for an offense punishable by death shall be entitled to a copy of the indictment before he is arraigned thereon; to a list of the witnesses to

be used and of the jurors returned to serve on the trial, with the place of abode of each, to be delivered to him twenty-four hours before the trial; and to process from court to compel witnesses to appear and testify at the trial. Provided, however, the justice presiding at the trial may admit the testimony of any witness whose name and place of abode is not on the list hereinbefore provided for upon such notice to the respondent as he, the presiding justice, shall direct whenever in his discretion he deems such action will promote justice.

12 Repeal. RSA 585:1 through 6, as amended, relative to homicide and offenses against the person, are hereby repealed.

13 Effective Date. This act shall take effect upon its passage.

Rep. H. Gwendolyn Jones explained the committee report.

(discussion)

Rep. Twigg moved that the report of the minority, ought to pass with amendment, be substituted for the majority report, ought to pass, and spoke in favor of his motion.

Reps. McManus, Nighswander, Close, Orcutt, Fortier, and Frizzell spoke against the motion.

Reps. Joseph L. Cote, Pryor, Patrick, T. Anne Webster, Read, Charles B. Roberts, Daniel J. Healy, Lyons, Rock, Gorman, Clark and Richard L. Bradley spoke in favor of the motion.

Reps. Gerry F. Parker, Cobleigh, Record, and Curran non-spoke in favor of the minority report.

### QUORUM COUNT

A quorum count was requested.

309 members having answered, a quorum was declared present.

Rep. Joseph L. Cote requested a roll call.

Seconded by Reps. T. Anne Webster, Read, Clark, James W. Murray, Pryor, Lebel, Parnagian, Twardus, Lesmerises, Myrl R. Eaton, Soule, Thibeault, Kashulines, Rowell, Buckman, Skinner and Metcalf.

## ROLL CALL

YEAS: 201 NAYS: 101

## YEAS

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Withington, Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Archambault, Knight, Roy, Antonio J., Nelson, Bragdon, Brown, G. Winthrop, Carter, Coburn, Langdell, Carswell, Dwyer, Lyons, Alukonis, Nutting, Polak, Ethier, McLaughlin, Rock, Cobleigh, Record, Belcourt, Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Gabriel, Lefebvre, Migneault, Boisvert, Mason, Ouellette, Lebel, Ainley, Milne, Ackerson, Bourassa, Murphy, Bruton, Cote, Joseph L., Cullity, Dupont, Healy, Daniel J., Clancy, Drewniak, MacDonald, Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., D'Allesandro, Lynch, Martineau, Bernier.

## MERRIMACK COUNTY:

Bigelow, Chandler, Deoss, Hanson, Enright, Rice, Gamache, Gordon, George E., Bartlett, Mattice, Thompson, Doris L., Wiggin, Elmer S., Humphrey, James A., Fisher, Cate, Davis, Alice, Harriman, Noble.

## ROCKINGHAM COUNTY:

King, Stimmell, Davis, Roy W., Wilson, Helen F., Boucher, William P., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gorman, MacGregor, Read, Campbell, Sayer, Spollett, Webster, Clarence L., Cummings, Vey, Erler, Goodrich, Simard, Tavitian, Rogers, Hamel, Akerman, Cunningham, Parr, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Wolfsen, Stevens, Elliot A., Hammond, Maynard, Palfrey, Griffin, Dame, McEachern, Joseph A., Connors, Hodgdon.

## STRAFFORD COUNTY:

Dawson, Harvey, Rowell, Tirrell, Joncas, Bouchard, Mallowmian, Chasse, Peter N., Tibbetts, Ruel, Winkley, Gagnon, Arthur, Leighton, Donnelly, Kincaid, Parnagian, Peabody, Pray.

## SULLIVAN COUNTY:

Barrus, Rousseau, Roy, Mary R., Spaulding, Roma A., Burrows, Lewko, Scott, Olden, Wiggins, George I.

## BELKNAP COUNTY:

French, Lawton, Matheson, Marsh, Roberts, Charles B., Twigg, Maguire, Murray, James W.

## CARROLL COUNTY:

Howard, Donald K., Conley, Davis, Dorothy W., Webster, T. Anne.

## CHESHIRE COUNTY:

Galloway, Johnson, Elmer L., Whipple, Marshala, Savage, Forcier, Gordon, Anne B., Turner, Raymond, Ames, Streeter, Drew.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Hunt, Drake, Burns, Richardson, Mabel L., Kidder, Victor L., Pryor, Gagnon, Rebecca.

## GRAFTON COUNTY:

Curran, Tilton, Stevenson, Fimlaid, Bradley, Richard L., Clark, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Altman, Buckman, Harrison, Gemmill, Bell, Krainak, Duhaime, Eaton, Myrl R., Townsend, Madeline G.

## NAYS

## HILLSBOROUGH COUNTY:

Colburn, Thomson, Harold E., Orcutt, Perkins, Arnold B., Harvell, Van Loan, Spalding, Kenneth W., Hall, Geiger, Bergeron, Smith, Leonard A., Currier, Richardson, John W., Parker, Gerry F., Zechel, Tropea, Woodruff, Cote, Margaret S., McGlynn, Wilcox, Horan, Nardi, Spirou, Shea, Gelinas, O'Neil, Dortha M., Gillmore, Normand.

## MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Parker, Harry C., Goff, John B., Boucher, Laurent J., Cushman, Kopperl, Haller, McLane, Jones, H. Gwendolyn, Tarr, Rich, Underwood, Wilson, Ralph W., Howard C., Edwin, Hager.

## ROCKINGHAM COUNTY:

Gibbons, Roy, Vesta M., Sanborn, Schwaner, Scamman, Weeks, Greene, Lockhart, Splaine, McEachern, Paul.

## STRAFFORD COUNTY:

Beckett, Dudley, Plumer, Hebert, Tanner, Thompson, Barbara C., Preston, Tripp, Bernard, O'Connor, Roderick H., Lessard, McManus.



## SULLIVAN COUNTY:

Townsend, Sara M., Tucker, Brodeur, Frizzell, Williamson.

## BELKNAP COUNTY:

Nighswander, Wuelper, Bowler, Roberts, George B., Hood, Hildreth.

## CARROLL COUNTY:

Duprey, Chase, Claflin.

## CHESHIRE COUNTY:

Stevens, Anthony, O'Neil, James E., Ladd, Milbank, Nims, Cooke, Close, Scranton.

## COOS COUNTY:

Patrick, Oleson, Fortier, Brungot, Theriault.

## GRAFTON COUNTY:

Gallen, Jones, Albert C., Webb, Bradley, David J., Nutt, Chambers, Copenhaver, Symons.

Reps. D'Amante, Mary Sullivan, Twardus, Southwick, Hoar, Boisse, Daniels and Seamans wish to be recorded in favor of the motion to substitute the minority report.

## QUORUM COUNT

Rep. T. Anne Webster requested a quorum count.

297 members having answered, a quorum was declared present.

Rep. Twigg questioned the adequacy of the count in Division 2.

Division 2 — 75.

The motion to substitute the report of the minority for the majority report on SB 27 carried.

Rep. McManus offered an amendment.

The clerk read the amendment in full.

Rep. Nelson challenged the admissability of the amendment.

The Speaker ruled the amendment presented by Rep. Mc-

Manus out of order in view of the House tradition requiring seven copies of an amendment.

Rep. George B. Roberts, Jr. moved that further action on SB 27 be deferred to allow Rep. McManus to secure the proper number of copies of his amendment and spoke in favor of his motion.

Rep. Daniel J. Healy and Stevenson spoke in favor of the motion.

(discussion)

Rep. McManus withdrew his amendment.

Rep. Twigg moved that Rep. Roberts' motion be laid on the table.

Motion laid on the table.

SB 27 ordered to third reading.

(Speaker in the Chair)

RECESS

AFTER RECESS

### ENROLLED BILLS REPORT

HB 27, relative to amending certain provisions of the Off Highway Recreational Vehicle Law, RSA 269-C.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks.

Mabel L. Richardson  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states; permitting broader cooperation in furnishing of municipal services; and permitting cities and towns to appropriate money for group homes.

## AMENDMENT

Amend section 2 of said bill by striking out lines four, five and six and inserting in place thereof the following:

XV. The establishment or acquisition and maintenance and operation, or contracting for the maintenance and operation of any public transportation system and related facilities for the transportation of passengers.

The clerk read the amendment in full.

Adopted.

## SENATE MESSAGES

CONCURRENCE SB WITH HOUSE  
AMENDMENT

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

SB 12, to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights.

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

## CONCURRENCE

HCR 7, establishing a joint committee to study federal funding from the administration on aging.

## CHANGE OF HOUSE CONFeree

HB 18, Rep. Spirou replacing Rep. Sununu.

SENATE MESSAGE  
CONCURRENCE HB WITH SENATE  
AMENDMENT

HB 5, relative to the office of energy administrator.

(Amendment printed in SJ March 20)

Rep. McLane moved that the House nonconcur in the Senate amendment and that a Committee of Conference be established.

(discussion)

Rep. George E. Gordon spoke in favor of the motion.

Rep. Daniell spoke against the motion.

Adopted.

The Speaker appointed Reps. Arthur F. Mann, Bigelow, Mattice, Cushman, and Hildreth.

CONCURRENCE HB WITH SENATE  
AMENDMENT

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

(Amendment printed in SJ March 26)

Rep. French moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. French, Raymond, Rock, Chambers and Cotton.

CONCURRENCE HB WITH SENATE  
AMENDMENT

HB 11, to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire Hospital and making appropriations therefor.

(Amendment printed SJ March 26)

Rep. Drake moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. McLane, Gallen, Weeks, William F. Kidder and Belcourt.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

Rep. Drake moved that the House concur in the Senate amendment.

(Amendment printed SJ March 26)

Adopted.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

Rep. Drake moved that the House noncur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Drake, Ferguson, Scamman, McGinness and John W. Richardson.

The Speaker called for the special order on:

HB 19, increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U. S. senator, representative in congress, governor's councilor, county officer, state senator, or representative to the general court.

The question is: Shall the bill pass notwithstanding the governor's veto.

Reps. Lawton, McLane, Spirou, George B. Roberts, Jr., Currier, Chase and Zachos spoke in favor of overriding the Governor's veto.

Reps. Fred E. Murray, Close, Bernier and Gelinas non-spoke in favor of overriding the Governor's veto.

Reps. Cate, Barrus, Sayer, Twigg, Coutermarsh, Gerry F. Parker, Daniell, Joseph L. Eaton, Albert C. Jones, Stevenson, Nelson, Plourde, Brungot and Chandler spoke in favor of sustaining the Governor's veto.

Reps. Donnelly, Rice, Turner, Connors, Forcier, Tony Smith, Curran, Tripp, Preston, Polak, Winkley, Colby, Fortier and George E. Gordon non-spoke in favor of sustaining the Governor's veto.

(discussion)

### ROLL CALL

YEAS: 146 NAYS: 180

### YEAS

#### BELKNAP COUNTY:

French, Lawton, Matheson, Nighlswander, Wuelper, Hood, Bowler, Roberts, Charles B., Roberts, George B., Hildreth, Sabbow.

#### CARROLL COUNTY:

Duprey, Chase, Claffin, Allen.

#### CHESHIRE COUNTY:

Stevens, Anthony, Ladd, McGinness, Gordon, Anne B., Milbank, Raymond, Cooke, Close, Nims, Scranton.

#### COOS COUNTY:

Hunt, Drake, Burns, Oleson.

#### GRAFTON COUNTY:

Gallen, Fimlaid, Mann, Ezra B., Altman, Bell, Webb, Bradley, David J., Copenhaver, Nutt, Townsend, Madeline G.

#### HILLSBOROUGH COUNTY:

Mann, Arthur F., Murray, Fred E., Colburn, Orcutt, Van Loan, Harvell, Brown, G. Winthrop, Spalding, Kenneth W. Carter, Ferguson, Hall, Nutting, Smith, Leonard A. Currier,

Richardson, John W., Zechel, Belcourt, Woodruff, Cote, Margaret S., Winn, John T., Winn, Cecelia L., Gabriel, McGlynn, Ainley, Daniels, Zachos, Horan, Nardi, Spirou, Shea, Dupont, Drewniak, Sullivan, Mary J., Gelinis, O'Neil Dorthea M., Burke, O'Connor, Timothy K., Gillmore, Lynch, Normand.

MERRIMACK COUNTY:

Kidder, William F., Sherman, Bigelow, Parker, Harry C., Hanson, Goff, John B., Cushman, Thompson, Doris L., Wiggin, Elmer S., Burleigh, Cate, Haller, Davis, Alice, McLane, Newell, Tarr, Rich, Underwood, Harriman, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

ROCKINGHAM COUNTY:

Stimmell, Gibbons, Campbell, Roy, Vesta M., Spollett, Sanborn, Simard, Tavitian, Hamel, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Scamman, Wolfsen, Stevens, Elliot A., Weeks, Greene, Lockhart, Maynard, Griffin, Cotton, McEachern, Joseph A., Connors, McEachern, Paul.

STRAFFORD COUNTY:

Beckett, Dudley, Plumer, Herbert, Meserve, Thompson, Barbara C., Leighton, O'Connor, Roderick H., Lessard, Peabody.

SULLIVAN COUNTY:

Townsend, Sara M., Tucker, Burrows, Lewko, Scott, Frizzell, Olden.

NAYS

BELKNAP COUNTY:

Maguire, Murray, James W., Twigg, Marsh.

CARROLL COUNTY:

Howard, Donald K., Conley, Davis, Dorothy W., Webster, T. Anne.

CHESHIRE COUNTY:

Galloway, Johnson, Elmer L., Whipple, Marshala, Savage, Forcier, Yardley, Turner, Ames, Streeter, Drew.

COOS COUNTY:

Huggins, Metcalf, Patrick, Bushey, Kidder, Victor L., Fortier, Pryor, Brungot, Lemire, George, Gagnon, Rebecca, Theriault.

## GRAFTON COUNTY:

Curran, Tilton, Stevenson, Bradley, Richard L., Clark, Jones, Anthony K., Anderson, Fayne E., Jones, Albert C., Buckman, Harrison, Gemmill, Krainak, Chambers, Duhaime, Eaton, Myrl R.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Thomson, Harold E., Archambault, Knight, Roy, Antonio J., Perkins, Arnold B., Nelson, Bragdon, Coburn, Langdell, Carswell, Dwyer, Geiger, Lyons, Alukonis, Bednar, Polak, Seamans, Ethier, McLaughlin, Rock, Cobleigh, Parker, Gerry F., Record, Tropea, Charest, Desmarais, Lachance, Lefebvre, Boisvert, Mason, Ouellette, Wilcox, Coutermarsh, Lebel, Ackerson, Bourassa, Murphy, Bruton, Cote, Joseph L., Cullity, Healy, Daniel J., Clancy, Gardner, Thibeault, P. Robert, Grady, D'Allesandro, Sweeney, Lemire, Armand R., Levasseur, Martineau.

## MERRIMACK COUNTY:

Thompson, Arthur E., Chandler, Deoss, Boucher, Laurent J., Enright, Rice, Gordon, George E., Plourde, Bartlett, Kopperl, Mattice, Humphrey, James A., Daniell, Fisher.

## ROCKINGHAM COUNTY:

King, Benton, Davis, Roy W., Wilson, Helen F., Boucher, William P., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gorman, MacGregor, Read, Belair, DeCesare, Goff, Elizabeth E., Sayer, Sununu, Webster, Clarence L., Cummings, Vey, Erler, Goodrich, Hoar, Schwaner, Rogers, Akerman, Cunningham, Parr, Twardus, Hammond, Splaine, Dame, Hodgdon, Keefe.

## STRAFFORD COUNTY:

Dawson, Harvey, Colby, Rowell, Tirrell, Joncas, Bouchard, Maloomian, Chasse, Peter N., Tanner, Tibbetts, Ruel, Winkley, Preston, Tripp, Boisse, Bernard, Donnelly, Kincaid, Parnagian, Pray.

## SULLIVAN COUNTY:

Barrus, Rousseau, Roy, Mary R., Spaulding, Roma A., Brodeur, D'Amante, Wiggins, George I., Williamson.

## PAIR

Rep. Ellis voting yes; Rep. McManus voting no.



Failing to get the necessary two-thirds, the Governor's veto on HB 19 was sustained.

Rep. Southwick wished to be recorded as voting "yes" on Governor's veto on HB 19.

Rep. Palfrey wished to be recorded as voting "no" on Governor's veto on HB 19.

## SENATE MESSAGE

### CONCURRENCE

HB 36, permitting the sale of milk in three quart containers.

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking.

HB 13, repealing the termination date of RSA 357-B.

## SUSPENSION OF RULES

Rep. Zachos moved that the Rules of the House be so far suspended as to place the following Senate Bills on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

### Third reading and final passage

SB 20, providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by authorizing capital punishment in certain circumstances, consistent with the New Hampshire constitution and decisions of the Supreme Court.

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Rep. T. Anne Webster suggested that Rep. Twigg be appointed to the committee of conference on SB 27 to better protect the safety of New Hampshire citizens and law enforcement

officers by changing penalties for homicide in certain circumstances, if a conference committee is established, and spoke in favor of her suggestion.

Reps. Zachos, Spirou, Daniel J. Healy and Sara M. Townsend spoke against the suggestion.

Reps. George E. Gordon and Mary J. Sullivan spoke in favor of the suggestion.

Rep. Webster spoke a second time in favor of her suggestion.

(Deputy Speaker in the Chair)

Rep. James E. O'Neil spoke against the suggestion.

Suggestion lost.

#### COMMITTEE REPORTS CONTINUED

##### **SB 7**

relative to capital improvements to the Mount Washington summit and making an appropriation therefor. Ought to pass with amendment. Rep. Drake for Appropriations.

#### AMENDMENT

Amend the bill by striking out sections 2, 3, and 4 and inserting in place thereof the following:

2 Mount Washington Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon credit of the state not exceeding the sum of two million nine hundred seventy-three thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The amount of bonds to be issued shall be reduced by total of gifts, grants or donations from sources other than the state. No bonds authorized in this section shall be issued prior to January 15, 1975, and then only with the specific authority of the Governor and Council for the purposes set forth in section 4 of this act.

3 Mount Washington Fund. Amend RSA 227-B by inserting after section 8 the following new section:

227-B:9 Mount Washington Fund. There is hereby estab-

lished in the office of the state treasurer a fund to be known as the Mount Washington fund which shall be kept separate and distinct from all other funds. Such fund shall be the depository of all fees received from the commission pursuant to RSA 227-B:6, III and all gifts, grants or donations made to the commission pursuant to RSA 227-B:8. From such fund shall be paid the expenses of the commission plus the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the summit. Any monies in such fund shall not lapse into the general fund of the state until the fund balance equals the total bonds, interest and charges outstanding.

4 Construction Authorized. Amend RSA 227-B:6, IV (supp) as inserted by 1969, 427:1 by striking out said paragraph and inserting in place thereof the following:

IV. Supervise the work done on capital improvements authorized by the General Court for Mount Washington. The Governor and Council to authorize the carrying out of the capital improvements to the Mount Washington summit authorized by the general court in a manner consistent with the ten-year master plan prepared by the commission when said commission can certify it has raised or accounted for one million dollars or more in gifts, grants or donations from sources other than the state.

Rep. Cunningham non-spoke in favor of the amendment.

Rep. Lessard non-spoke against the amendment.

Reps. Curran and Clark spoke against the amendment.

Rep. Hall expressed Rep. Boyd's objections to the amendment.

Reps. Oleson, Rock and Victor L. Kidder spoke in favor of the amendment.

Rep. Drake explained the committee report.

Amendment adopted.

Ordered to third reading.

## SB 10

establishing a sire stakes program and a standardbred

breeders and owners development agency. Ought to pass with amendment. Rep. Drake for Appropriations.

### AMENDMENT

Amend RSA 426-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

426-A:5 Sire Stakes Fund. There is hereby established a fund within the department of agriculture, to be known as the sire stakes fund, which shall be kept separate and distinct from all other funds appropriated to such department. All revenue received pursuant to the provisions of this chapter and RSA 284:22, II, shall be deposited in the sire stakes fund, which shall be non-lapsing. Said funds are hereby continually appropriated for the payment of awards and the costs of administering the provisions of this chapter, including the remuneration of the expenses of the board, and shall be disbursed by the commissioner of agriculture or his delegate. The state treasurer upon the certification of the commissioner of agriculture or his delegate and with the approval of the board of trustees, shall make payment to the designated harness track for reimbursement of such funds as are paid by said track as the award for an approved sire stakes race. The commissioner of agriculture shall file a report annually with the state treasurer setting forth an itemization of all deposits to, and disbursements from, said sire stakes fund.

Further amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Payment to Sire Stakes Fund. Amend RSA 284:22, II (supp), as amended, by striking out said paragraph and inserting in place thereof the following:

II. The commission on such pools at tracks or race meets at which harness races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of nineteen percent of each dollar wagered plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage", one-half of which breakage shall be retained by the licensee in addition to the commission above provided, and the balance of such

breakage shall be paid to the state treasurer three-fourths of said balance for the use of the state in accordance with the provisions of RSA 284:2, the remaining one-fourth of the balance to be deposited in the sire stakes fund established by RSA 426-A:5. Each licensee shall pay the tax provided for in RSA 284:-23.

3 Appropriation. There is hereby appropriated the sum of fifteen thousand dollars for the fiscal year ending June 30, 1975 for the purposes of this act. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 2 of this act shall take effect on July 1, 1975.

II. The remainder of this act shall take effect on July 1, 1974.

Rep. Read spoke against the amendment.

Rep. Drake explained the committee report.

(discussion)

Rep. Plourde spoke against the amendment.

Reps. Raymond and Daniell spoke in favor of the amendment.

Rep. Curran non-spoke against the amendment.

Rep. Plourde spoke a second time against the amendment.

Rep. Cobleigh moved the previous question.

Sufficiently seconded.

Adopted.

Amendment adopted.

Rep. Plourde offered an amendment.

The clerk read the amendment in full.

Rep. Plourde spoke in favor of his amendment.

(discussion)

Rep. Drake spoke against the Plourde amendment.

Plourde amendment lost.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Chase moved that the Rules of the House be so far suspended as to place the following Senate Bills on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

SB 7, relative to capital improvements to the Mount Washington summit and making an appropriation therefor.

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency.

## RECESS

## AFTER RECESS

## SENATE MESSAGES

ACCEDED REQUEST FOR COMMITTEE  
OF CONFERENCE

HB 5, relative to the office of energy administrator.

The President appointed Sens. Poulsen, Lamontagne and Green.

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HB 11, to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire state hospital and making appropriations therefor.

The President appointed Sens. Trowbridge, Provost and Green.

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HB 29, relative to tuition payments for the definitions of handicapped persons under the age of twenty-one and amending the appropriation for same and educational expenses in public institutions.

The President appointed Sens. Green, Downing and Stephen W. Smith.

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HB 18, requiring local approval prior to approval of site plans for oil refineries.

The President appointed Sens. Porter, Preston and Johnson.

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HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

The President appointed Sens. Trowbridge, Foley and Green.

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HB 2, making appropriations for capital improvements.

The President appointed Sens. Trowbridge, Blaisdell and Sanborn.

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HB 33, relative to the Winnepesaukee River Basin Control.

The President appointed Sens. Porter, Claveau and Gardner.

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HB 35, An act providing for twenty years retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.

The President appointed Sens. Trowbridge, Blaisdell and Green.

#### CONCURRENCE SB WITH HOUSE AMENDMENT

SB 20, providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education.

Rep. French moved that the House concur in the Senate amendment.

(Amendment printed SJ March 27)

Adopted.

## COMMITTEE REPORTS CONTINUED

### SB 26

providing for retirement benefits for supreme and superior court justices. Ought to pass with amendment. Rep. Drake for Appropriations

## AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Any benefits that may become due under the provisions of this act through July 1, 1975 shall be a charge against funds not otherwise appropriated. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect on its passage.

Amendment adopted.

Ordered to third reading.

**House Resolution** requesting an advisory opinion from the Attorney General relative to manpower training and other federal programs. Ought to be adopted. Rep. Madeline G. Townsend for Municipal and County Government.

Statutes require that the Legislature request opinions from the Attorney General, through the means of a resolution.

Only two counties, Hillsborough and Rockingham, would be eligible to administer "manpower training programs", by virtue of population of over 100,00, if proven eligible.

The Attorney General is requested to furnish a ruling as to county eligibility to receive and administer funds for the "Federal Manpower Training Program."

Resolution adopted.



**SB 21**

establishing a commission on children and youth. Refer to an interim study committee. Rep. Elizabeth E. Goff for Public Health and Welfare.

Because of objections to the bill raised at the public hearing and because committee members were concerned about protecting confidentiality of children's records, it was decided to refer this bill to an interim study committee.

Referred to the committee on Public Health and Welfare for interim study.

**SUSPENSION OF RULES**

Rep. Drake moved that the rules of the House be so far suspended as to dispense with advertising in Calendar on SB 3, changing the compensation of certain state law enforcement employees and fees of witnesses, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

**COMMITTEE REPORTS CONTINUED****SB 3**

changing the compensation of certain state law enforcement employees and fees of witnesses. Ought to pass. Rep. Drake for Appropriations.

Rep. Drake explained the committee report.

Ordered to third reading.

**SUSPENSION OF RULES**

Rep. Drake moved that the rules of the House be so far suspended as to dispense with advertising in Calendar on SB 11, establishing a state historic preservation office and making an appropriation therefor, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

**COMMITTEE REPORTS CONTINUED****SB 11**

establishing a state historic preservation office and making

an appropriation therefor. Ought to pass. Rep. Drake for Appropriations.

Rep. Drake explained the committee report.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Arthur F. Mann moved that the rules of the House be so far suspended as to dispense with advertising in the Calendar on SCR 1, referring the question of the reclassification of a certain highway in the town of Clarksville to a joint legislative committee, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS CONTINUED

#### SCR 1

referring the question of the reclassification of a certain highway in the town of Clarksville to a joint legislative committee. Ought to pass. Rep. Victor L. Kidder for Public Works.

The joint study committee plan to resolve this matter.

Rep. Mann explained the committee report.

Resolution adopted.

### SUSPENSION OF RULES

Rep. Arthur F. Mann moved that the rules of the House be so far suspended as to dispense with advertising in the Calendar on SCR 2, referring the question of compensation for the town of Gorham to a joint legislative committee, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS CONTINUED

#### SCR 2

referring the question of compensation for the town of Gorham to a joint legislative committee. Ought to pass. Rep. Fortier for Public Works.

The committee feels that the joint House and Senate committee study plan is a proper solution to this problem.

Rep. Mann gave a brief explanation of the resolution.

Adopted.

### SUSPENSION OF RULES

Rep. Hanson moved that the rules be so far suspended as to dispense with advertising in the Calendar on SB 31, authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS CONTINUED

#### **SB 31**

authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds. Ought to pass. Rep. Timothy K. O'Connor for Municipal and County Government.

Rep. Hanson gave a brief explanation of the committee report.

At the request of Rep. George E. Gordon, Rep. Hanson answered questions.

Rep. Brungot nonspoke in favor of the passage of SB 31.

Rep. George B. Roberts, Jr. spoke in favor of SB 31.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Zachos moved that the Rules of the House be so far suspended as to place the following Senate Bills on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

SB 3, changing the compensation of certain state law enforcement employees and fees of witnesses.

SB 11, establishing a state historic preservation office and making an appropriation therefor.

SB 31, authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each city by the issue of revenue bonds.

### SENATE MESSAGES

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 4 providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance.

Rep. Drake moved that the House non-concur in the Senate amendment and that a Committee of Conference be established.

(discussion)

Rep. Drake explained the bill.

Adopted.

The Speaker appointed Reps. McLane, Ferguson, Hough, John B. Goff, and Margaret S. Cote.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicle and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

(Amendment printed SJ March 27)

Rep. Hamel moved that the House non-concur in the Senate amendment and that a committee of conference be established.

(discussion)

Adopted.

The Speaker appointed Reps. Hamel, Conley, Akerman, Duhaime and D'Amante.

### SUSPENSION OF RULES

Rep. Hamel moved that the rules be so far suspended as to dispense with advertising in the Calendar on SJR 3, establishing a committee to study highway safety and motor vehicle weight, length and width requirements, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS CONTINUED

#### **SJR 3**

establishing a committee to study highway safety and motor vehicle weight, length and width requirements. Ought to pass with amendment. Rep. Hamel for Transportation.

### AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established a special legislative committee to study and recommend changes from time to time if and as needed to the statutes, including, but not limited to, the gross weight, length and width requirements for motor vehicles operating on the highways, taking into consideration the safety of the motoring public and the maintenance of the highways of the state. Said committee shall consist of seventeen members appointed as follows: three senators from the public works and transportation committee appointed by the president of the senate; five representatives appointed by the speaker of the house; three members representing the trucking industry appointed by the governor and council; the commissioner of public works and highways, or his designee; the director of motor vehicles, or his designee; the manager of the New Hampshire Division of the American Automobile Association, or his designee; the attorney general, or his designee; the chairman of the highway safety commission, or his designee; and the director of legislative services, or his designee. The committee shall elect one of its members as chairman. The committee shall make its report of findings and recommendations for legislation

no later than December 31, 1974. The committee shall have full power and authority to require from the several departments, agencies and officials of the state and its political subdivisions, such data, information and assistance as it may deem necessary or desirable for the purposes of the study.

Rep. Hamel explained the amendment.

Amendment adopted.

Ordered to third reading.

### SENATE MESSAGE

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 34, relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products.

Rep. Greene moved that the House non-concur in the Senate amendment and that a Committee of Conference be established.

Rep. Greene explained her motion.

(discussion)

Rep. George B. Roberts, Jr. spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. Greene, George B. Roberts Jr., Nutt, Woodruff and David J. Bradley.

### COMMITTEE REPORTS CONTINUED

#### SB 9

legalizing special town meetings in Wilmont and Pittsfield; and the Seabrook School District meeting. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

An omnibus bill to legalize certain town, fire district and school district meetings for assorted minor irregularities. Also covers any town or school district meeting in which the warrant was posted on February 19 instead of on February 18, 1974.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

legalizing: certain special town meetings in Wilmot, Pittsfield, and Salem; 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury and Brentwood; the Seabrook and Gilford school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; the February 19, 1974 postings of March 5, 1974 town and school meetings; and a special town meeting and the 1974 annual town meeting in Enfield.

Amend the bill by striking out all after section 10 and inserting in place thereof the following:

11 Town of Brentwood. All acts, votes and proceedings of the annual town meeting of Brentwood held on March 5, 1974 are hereby legalized, ratified and confirmed.

12 Town of Salem. The vote of the town of Salem passed March 10, 1973 authorizing the borrowing of one million nine hundred thousand dollars for the expansion of the municipal sewerage system is hereby legalized, ratified, and confirmed in all respects, and the selectmen of the town are authorized to issue one million nine hundred thousand dollars in bonds or notes for such purposes under the Municipal Finance Act.

13 Town of Enfield. All acts, votes and proceedings of the special town meeting held in the town of Enfield on January 18, 1974 and all acts, votes and proceedings of the annual town meeting of the town of Enfield held on March 5, 1974 are hereby legalized, ratified and confirmed.

14 Gilford School District. All acts, votes and proceedings of the annual district meeting of the Gilford school district held on March 19, 1974 are hereby legalized, ratified and confirmed.

15 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGE  
CONCURRENCE HB WITH SENATE  
AMENDMENT

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor.

Rep. Chase moved that the House non-concur in the Senate amendment and that a Committee of Conference be established.

Rep. Hoar explained the amendment.

(discussion)

Adopted.

The Speaker appointed Reps. Zachos, Hoar, Bigelow, Anthony Stevens and Coutermarsh.

COMMITTEE REPORTS CONTINUED

**SB 23**

relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions. Ought to pass with amendment. Rep. G. Winthrop Brown for Municipal and County Government.

RSA 36:5: Amendment provides that town planning board members may serve on any other board or commission; however, no more than one planning board member shall serve on the same board or commission. Appointments shall be made by the selectmen, upon recommendation of the Planning Board.

In cities, members of the planning board may also serve as a member of conservation and historic district commissions; however, no more than one planning board member shall serve on the same board or commission. Such appointments shall be made by the appointing authority.

RSA 31:89 and 36-A:3, as pertains to historic district and conservation commissions, respectively, are also amended to reflect appointment of planning board members to these commissions.



Section II of SB 23, pertaining to "regional planning commissions," is deleted from the bill; a resolution to refer section II, with proposed amendments, to interim study by the committee on Municipal and County Government will be introduced.

Effective date of section I has been amended to "sixty days after passage" to allow municipalities time to effect changes in board and commission assignments.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the membership of municipal planning boards, conservation commissions and historic district commissions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Planning Board Membership. Amend RSA 36:5 (supp), as amended, by striking out said section and inserting in place thereof the following:

#### 36:5 Qualifications and Terms of Members.

I. In the case of towns, appointed members of the planning board may also serve on any other municipal board or commission provided that no more than one planning board member shall serve on the same board or commission. In the case of cities, appointed members shall not hold any other municipal office except that:

(a) One of such appointed members may be a member of the zoning board of adjustment;

(b) Either one appointed or one ex officio member may be a member of the conservation commission, if one exists in the city, in accord with RSA 36-A:3;

(c) Either one appointed or one ex officio member may be a member of the historic district commission, if one exists in the city, in accord with RSA 31:89-d.

II. The terms of ex officio members shall correspond to their respective official tenures, except in the case of cities that

the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years in the case of nine-member planning boards, five years in the case of seven-member planning boards and four years in the case of five-member planning boards, except that the respective terms of five of the members first appointed to a nine-member or a seven-member planning board shall be one, two, three, four, and five years; and in the case of five-member planning boards that the respective terms of the four members first appointed shall be one, two, three, and four years.

2 Conservation Commission Membership. Amend RSA 36-A:3 (supp) as inserted by 1963, 168:1, as amended, by striking out said section and inserting in place thereof the following:

36-A:3 Composition of Commission. The commission shall consist of not less than three nor more than seven members. In a town which has a planning board, one member of the commission may be appointed from the planning board by the selectmen, upon recommendation of the planning board, for a one-year term. In a city which has a planning board, one member of the commission may be appointed from the planning board by the mayor, upon recommendation of the planning board, for a one-year term. In cities, the remaining members shall be appointed by the mayor subject to the provisions of the city charter, and in towns the remaining members shall be appointed by the selectmen. When a commission is first established, terms of the remaining members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

3 Historic District Commission Membership. Amend RSA 31:89-d, as inserted by 1963, 178:1, by striking out in line five the word "shall" and inserting in place thereof the following (may) so that said section as amended shall read as follows:

31:89-d Membership; Qualifications; Term; Vacancies. The membership of such commission shall consist of not less than five nor more than seven members. All members shall be residents of the city or town, and one shall be a member of the board of selectmen or the chief executive officer thereof and one may be a member of the planning board. In determining the qualification of a member of said commission, the appointing authority shall take into consideration his demonstrated interest and ability to understand, appreciate and promote the purpose of this subdivision. The members of said commission shall be appointed for three-year terms except the initial appointments shall be staggered so that subsequent appointments shall not recur at the same time. Members of said commission shall serve without compensation and shall serve no more than two successive terms. In the event of a vacancy on the commission, interim appointments may be made by the appointing authority to complete the unexpired term of such position.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

Reps. Hammond, G. Winthrop Brown and King offered a resolution.

## HOUSE RESOLUTION

*Resolved* by the House of Representatives, That section 2 of Senate Bill 23 of the 1974 special session, as passed by the Senate on March 7, 1974, relative to consolidation of regional planning commissions be referred for interim study to the committee on municipal and county government in accordance with RSA 17-D; and

*Be It Further Resolved*, That the committee submit its findings and recommendations, together with a draft of any proposed legislation, to the legislature on or before December 1, 1974.

The clerk read the resolution in full.

Reps. Hammond and Hanson explained the resolution.

(discussion)

Rep. Pryor spoke in favor of the resolution.

Resolution adopted.

## SB 28

to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people. Majority: Refer to an interim study committee; Rep. George E. Gordon for Public Health and Welfare. Minority: Ought to pass with amendment. (Reps. Sweeney, Mary J. Sullivan, Copenhaver and Daniell)

Majority: Police Chiefs Association recommended numerous amendments to the bill, none of which were proposed during executive session. Federal funding is purely speculative, because federal legislation is pending in Washington.

Minority: There has been a tremendous need for this kind of legislation for many years and we feel this should be enacted immediately.

Rep. Sweeney moved that the report of the minority, ought to pass with amendment, be substituted for the majority report, refer to an interim study committee, and spoke in favor of his motion.

(discussion)

Rep. Sweeney subsequently withdrew his motion.

Rep. Daniell moved that the words, ought to pass with amendment, be substituted for the majority report, refer to an interim study committee, and spoke in favor of his motion.

The clerk read the amendment in full.

Rep. Daniell explained his amendment.

(discussion)

Reps. Donald K. Howard, Helen F. Wilson, Haller and George E. Gordon spoke against the motion.

## Point Of Order

Rep. Harvell rose on a point of order.

Reps. Mary J. Sullivan and Griffin spoke in favor of the motion.

Rep. William P. Boucher spoke against the motion.

Motion lost.

SB 28 referred to an interim study committee.

## COMMITTEE REPORTS CONTINUED

### SB 1

providing for open and honest political campaigns in New Hampshire by requiring greater accountability and full disclosure of campaign contributions and expenditures; and protecting party loyalty by disqualifying defeated primary candidates from being nominated by petition under certain circumstances. Ought to pass with amendment. Rep. Chase for Statutory Revision.

Amends campaign financing laws.

Rep. Chase explained the amendment.

Rep. Sayer moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Rep. Spirou spoke in favor of the committee amendment.

Rep. Zachos spoke against the motion.

Rep. Richard L. Bradley spoke in favor of the motion.

Reps. Orcutt and Normand non-spoke in favor of the motion.

Rep. Albert C. Jones moved that SB 1 be referred to a joint committee for interim study.

Rep. Jones explained his motion.

Rep. Chase spoke in favor of the motion.

Rep. Pryor moved the previous question.

Sufficiently seconded.

SB 1 referred to Interim Study Committee to report back to the 1975 session.

## SUSPENSION OF RULES

Rep. George B. Roberts, Jr. moved that the Rules of the House be so far suspended as to place the following Senate Bills and SJR on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

## Third reading and final passage

SJR 3, establishing a committee to study highway safety and motor vehicle weight, length and width requirements.

SB 26, providing for retirement benefits for supreme and superior court justices.

SB 9, legalizing: certain special town meetings in Wilmot, Pittsfield, and Salem; 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury and Brentwood; the Seabrook and Gilford school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; the February 19, 1974 postings of March 5, 1974 town and school meetings; and a special town meeting and the 1974 annual town meeting in Enfield.

SB 23, relative to the membership of municipal planning boards, conservation commissions and historic district commissions.

## SENATE MESSAGE

## CONCURRENCE

SB 7, relative to capital improvements to the Mount Washington Summit and making an appropriation therefor.

SB 26, providing for retirement benefits for supreme and superior court justices.

SJR 3, establishing a committee to study highway safety and motor vehicles weight, length and width requirements.

## RECESS

## AFTER RECESS

## QUORUM COUNT

273 members having answered, a quorum was declared present.

## ENROLLED BILLS AMENDMENT

SB 31, authorizing the cities of Berlin and Keene to ac-

quire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each city by the issue of revenue bonds.

Amend section 19 of the bill by striking out line eleven and inserting in place thereof the following:

services, and provided further that the board of taxation shall determine,

The clerk read the amendment in full.

Amendment adopted.

### ENROLLED BILLS REPORT

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states; permitting broader cooperation in furnishing of municipal services; and permitting cities and towns to appropriate money for group homes.

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights.

SB 12, to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

HB 13, repealing the termination date of RSA 357-B.

HB 36, permitting the sale of milk in three quart containers.

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking.

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

SB 3, changing the compensation of certain state law enforcement employees and fees of witnesses.

SB 11, establishing a state historic preservation office and making an appropriation therefor.

SB 20, providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education, supervisory union accounting of federal funds and establishing the office of chancellor of the university of New Hampshire system.

Mabel L. Richardson  
For the Committee.

## CHANGE CONFERENCE COMMITTEE

Rep. Burleigh in place of Rep. Hough on HB 4,

## SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the calendar on SB 15, transferring permanent state prison employees from group I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II and making an appropriation therefor.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### SB 15

transferring permanent state prison employees from group



I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II, and making an appropriation therefor. Inexpedient to legislate. Rep. Drake for Appropriations.

Resolution adopted.

### RECONSIDERATION

Rep. Roderick H. O'Connor moved reconsideration on SB 15, transferring permanent state prison employees from group I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II, and making an appropriation therefor.

and a committee of conference be established.

Rep. O'Connor explained his motion.

Reps. Nelson, Spirou, Gorman, Zachos and Alice Davis spoke in favor of the motion.

Rep. Fred E. Murray non-spoke in favor of the motion.

Rep. Frizzell spoke against the motion.

Reconsideration adopted.

Rep. Nelson moved that SB 15 ought to pass with amendment.

The clerk read the amendment in full.

Rep. Nelson explained his amendment.

Reps. Gorman, Coutermarsh, McLane, Spirou and Roderick H. O'Connor spoke in favor of the amendment.

Rep. Scamman spoke against the amendment.

Rep. Drake explained the original bill.

Rep. Spirou moved that SB 15 be referred to the fiscal committee for further study.

Adopted.

### SB 18

providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System, and the State Em-

ployees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of pre-funding to be paid out of escrowed funds derived from an interest assumption change. Ought to pass with amendment. Rep. Drake for Appropriations.

Rep. McLane spoke against the amendment.

Rep. Weeks explained the amendment.

Reps. Roderick H. O'Connor, Drew, Cushman, Streeter, Cecelia L. Winn and Coutermarsh spoke against the amendment.

Rep. Drake explained the committee report.

(discussion)

Reps. Gerry F. Parker and Scamman spoke in favor of the amendment.

Reps. Harold E. Thomson, George E. Gordon, Joseph L. Cote, Brungot, Tibbetts, Dawson, Colby, King, Pray, Myrl R. Eaton, Chambers, Normand, Kincaid, Peabody, Nutting, Altman, Simard, Burke, Boisvert, Bowler, Harvey, Bouchard, Sayer, Meserve, Read, Gallen, Hildreth, Nelson, James A. Humphrey, Harvell, Nims, Scott, Timothy K. O'Connor, Charles B. Roberts, Palfrey, Wuelper, Sara M. Townsend, Sweeney, Tripp, Allen, John T. Winn, Spirou, Murphy, Barker, LaRoche, Arthur Gagnon, Fred E. Murray, Cobleigh, Lamy, Lessard, Van Loan, Barlett, Polak, Preston, Ladd, Ezra B. Mann, Rebecca A. Gagnon, Duhaime, Duprey, McGlynn, Shea, Margaret S. Cote, Paul McEachern, Tucker, Withington, Dudley, Plumer, Donnelly, Burrows, Rousseau, Lewko, Webb and Hager, spoke against the amendment.

Rep. Curran wished to be recorded as voting "yes" on SB 18 as amended.

A division was requested.

33 members having voted in the affirmative and 257 in the negative, the committee amendment lost.

Ordered to third reading.

## RECONSIDERATION

Roderick H. O'Connor moved reconsideration of SB 18.

Reconsideration lost.

## RESOLUTION

Rep. Zachos moved that SB 18 be read a third time by this resolution and that the title be the same as adopted, and that it be passed at the present time, unless otherwise ordered by the House.

Adopted.

Third reading and final passage

SB 18, providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System, and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change.

## RECONSIDERATION

Rep. George B. Gordon Jr. moved reconsideration on SB 1.

SB 1, providing for open and honest political campaigns in New Hampshire by requiring greater accountability and full disclosure of campaign contributions and expenditures; and protecting party loyalty by disqualifying defeated primary candidates from being nominated by petition under certain circumstances.

Reps. Fred E. Murray, Chase and Gerry F. Parker spoke in favor of reconsideration. Nelson, Albert C. Jones and Sayer spoke against reconsideration.

Reps. Streeter and Chandler moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative reconsideration lost.

### RECONSIDERATION

Rep. George B. Roberts, Jr. moved that HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill, be recalled from the Governor and that we reconsider our action in ordering HB 30 to third reading and final passage and place HB 30 on second reading at the present time.

Reps. Daniel J. Healy and Chandler spoke in favor of the motion.

Adopted.

Rep. George B. Roberts, Jr. moved that the House non-concur with the Senate amendment.

Adopted.

Rep. George B. Roberts, Jr. moved that a committee of conference be established.

Adopted.

The Speaker appointed Reps. George B. Roberts, Jr., McManus, Nighswander, Bednar and Dudley.

### AFTER RECESS

(Rep. George B. Roberts in the Chair)

### SENATE MESSAGES

#### ACCEDES TO REQUESTS COMMITTEE OF CONFERENCE

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor.

and the President has appointed: Sens. Trowbridge, Ferdinando and Claveau.

HB 34, relative to energy facility evaluation, siting, construction and operations and providing for a tax on refined petroleum products.

and the President has appointed Sens. Porter, Preston and Bradley.

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicles and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

and the President has appointed Sens. Roger Smith, Claveau, and Porter.

#### NONCONCURRENCE HOUSE AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 23, an act relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions.

The President appointed Sens. Johnson, Jacobson and Blaisdell.

Rep. Hanson moved that the House accede to the request for a committee of conference.

Adopted.

The Speaker appointed Reps. G. Winthrop Brown, Ezra B. Mann, Hanson, Burke and Timothy J. O'Connor.

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SB 9, legalizing special town meetings in Wilmot and Pittsfield and the Seabrook School District Meeting.

The President appointed Sens. Johnson, Brown and Blaisdell.

Rep. Ezra B. Mann moved that the House accede to the request for a committee of conference.

Adopted.

The Speaker appointed Reps. Benton, Hammond, Sununu, Ethier and Bednar.

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SB 10, an act establishing a sire stakes program and a standardbred breeders and owners development agency.

The President appointed Sens. Green, Brown and Blaisdell.

Rep. Drake moved that the House accede to the request for a committee of conference.

Adopted.

The Speaker appointed Reps. Drake, Tirrell, Read, McGinness and Plourde.

### QUORUM COUNT

Rep. Bednar requested a quorum count and subsequently withdrew his request.

### SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the calendar on SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye Harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

Adopted by the necessary two-thirds.

### COMMITTEE REPORT

#### SB 17

relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye Harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor. Ought to pass with amendment.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Completion of Joint Study to Determine Feasibility and Cost of Project. The completion of a study commissioned jointly by the department of resources and economic development, the city of Portsmouth and the Southeastern Regional Planning Commission at their expense shall be obtained to determine the desirability of any expenditure for the extension of the Port Authority facilities. Such a study shall include but not be limited to consideration of warehousing, cold storage facilities and the nature of ownership and shall be the basis of a report to be submitted to the fiscal committee of the general court, the public works committees of the senate and house, and the governor and council not later than December 1, 1974. Further action shall be the responsibility of the incoming legislature.

Further amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Appropriation for Fishing Pier in Portsmouth. The sum of three hundred eight five thousand dollars is hereby appropriated to the department of resources and economic development for capital improvements to be expended as follows:

I. Commercial fishing pier and docking facility in the city of Portsmouth on land to be made available by the city of Portsmouth at a cost of not more than one thousand dollars per year on a long term basis.

The department of resources and economic development shall be empowered to charge reasonable user fees. Fishing vessels shall at all times have priority use of this facility.

II. In the event the city of Portsmouth within a period of 120 days is unable to certify its ability to provide suitable land area for the construction of a fishing pier and support facilities, as described herein, the sum of two hundred thousand dollars is hereby appropriated to the department of resources and economic development, subject to governor and council approval, for the acquisition of a suitable site. The powers of eminent domain shall not apply to the expenditure of this appropriation.

4 Appropriation for Pier in Hampton. The sum of three hundred fifty thousand dollars is hereby appropriated to the department of resources and economic development for the construction of a fishing pier and recreational boating facilities

in Hampton harbor. The department shall be entitled to charge reasonable user fees. Any funds remaining on completion of this project may be used on like facilities in Rye harbor.

Further amend the bill by striking out section 6 and inserting in place thereof the following:

6 Bonds Authorized. To provide funds for the appropriations made in sections 3, 4, and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of nine hundred eighty-five thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Further amend the bill by striking out section 8 and inserting in place thereof the following:

8 Prohibition of Certain Activities by the Authority. Amend RSA 271-A by inserting after section 15 the following new section:

271-A:16 Prohibition of Certain Activities. Notwithstanding any other provisions of this chapter, the N. H. Port Authority shall not before July 1, 1975 exercise its authority to construct, own, lease, operate or take any other action with respect to any pipe-line, pumping station, on-shore or off-shore loading facility, refinery, bulk storage or transmission facility or processing plant connected directly or indirectly with the processing of oil or liquefied natural gas or liquefied petroleum gases without first obtaining the approval of the fiscal committee of the general court and the governor and council.

Rep. Raymond explained the amendment.

(discussion)

Reps. Parr and Cunningham spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

## RESOLUTION

Rep. Raymond moved that SB 17, be read a third time by this resolution and that the title be the same as adopted, and



that it be passed at the present time, unless otherwise ordered by the House.

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye Harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

### SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the calendar on SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law, and to permit the bill to be taken up at the present time.

Adopted by the necessary two-thirds.

(Speaker in the Chair)

### COMMITTEE REPORT

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law. Ought to pass with amendment. Rep. Drake for Appropriations.

### AMENDMENT

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Appropriation. There is hereby appropriated the sum of five hundred thousand dollars for the fiscal year ending June 30, 1975, to be disbursed to the cities and towns pursuant to

RSA 72:42-a. Said appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant of said sum out of any money in the treasury not otherwise appropriated.

The clerk read the amendment in full.

Reps. Read, Hall and Nelson spoke against the amendment.

Rep. Drake explained the amendment.

Reps. Stevenson, Raymond and Paul McEachern spoke in favor of the amendment.

Rep. Raymond yielded to Rep. Drake to answer questions.  
(discussion)

Reps. Splaine and Sayer spoke against the amendment.  
(Rep. Harvell in the Chair)

Rep. James E. O'Neil spoke in favor of the amendment.  
(discussion)

(Speaker in the Chair)

Rep. George I. Wiggins spoke in favor of the amendment.

Rep. Curran wished to be recorded as voting "yes" on SB 2 as amended.

Reps. Withington, Belair, Ellis and Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Amendment adopted.

Rep. Splaine moved that SB 2 be committed to interim study by Ways and Means committee to report to the next regular session.

Motion lost.

Rep. Daniell moved that SB 2 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. Belair spoke against the motion.

Rep. Tucker moved the previous question.

Sufficiently seconded.

Adopted.

Motion to indefinitely postpone lost.

SB 2 ordered to third reading.

Third reading and final passage.

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.

### ENROLLED BILLS REPORT

SB 7, relative to capital improvements to the Mount Washington summit and making an appropriation therefor.

SB 26, providing for retirement benefits for supreme and superior court justices.

SB 31, authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds.

SJR 3, establishing a committee to study highway safety and motor vehicle weight, length and width requirements.

### SENATE MESSAGE

#### NONCONCURRENCE

#### REQUESTS COMMITTEE OF CONFERENCE

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law. (Sens. Downing,

Green and Spanos; Reps. Sayer, Ferguson, Hall, Belair and Belcourt)

The President appointed Sens. Downing, Green and Spanos.

Rep. Sayer moved that the House accede to request for committee of conference.

Adopted.

The Speaker appointed Reps. Sayer, Ferguson, Hall, Belair and Belcourt.

### BILLS PRESENTED TO THE GOVERNOR

March 27, 1974

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

HB 27, relative to amending certain provisions of the Off Highway Recreational Vehicle Law, RSA 269-C.

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks.

On motion of Rep. Roma A. Spaulding the House adjourned at 5:29 p.m.

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*Thursday, 28Mar74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Gord, our Father, we place before You the needs of our world and the needs of our hearts. Bless us in our doubt and in our faith and may our work be for Your greater glory. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Carter led the Pledge of Allegiance.

## SENATE MESSAGES

## NONCONCURRENCE

## REQUESTS FOR COMMITTEE OF CONFERENCE

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye Harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

The President appointed Sens. Foley, Preston and Trowbridge.

Rep. Arthur F. Mann moved that the House accede to the request for committee of conference.

Adopted.

The Speaker appointed Reps. Raymond, John B. Goff, Ellis, Harry C. Parker and Maynard.

## BILLS PRESENTED TO THE GOVERNOR

March 28, 1974

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in co-operation with governmental units of adjoining states; permitting broader cooperation in furnishing of municipal services; and permitting cities and towns to appropriate money for group homes.

HB 13, repealing the termination date of RSA 357-B.

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education, supervisory union accounting of federal funds and establishing the office of chancellor of the university of New Hampshire system.

HB 36, permitting the sale of milk in three quart containers.

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking.

SB 3, changing the compensation of certain state law enforcement employees and fees of witnesses.

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights.

SB 11, establishing a state historic preservation office and making an appropriation therefor.

SB 12, to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

SB 20, providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

#### BILLS SIGNED BY THE GOVERNOR

March 28, 1974

HB 12, conforming tax commission references in the current use taxation laws to the revised revenue administration laws.

HB 15, relative to redistricting the ward lines of the city of Laconia.

HB 16, permitting public accountants and registered professional nurses to form professional associations.

HB 25, changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

SB 19, specifying procedures for termination of residential gas or electric services.

On motion of Rep. Ainley the House adjourned at 11:01 a.m. to meet Tuesday next at 11 o'clock.

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## *Tuesday, 2Apr74*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, Our God, breathe Your spirit upon us in all the choices that we face so that all we do or leave undone may be done to Your greater glory. Through Christ our Lord.  
Amen.

### PLEDGE OF ALLEGIANCE

Rep. Plourde led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. G. Winthrop Brown, Cary, Mabel L. Richardson and Mary R. Roy, the day, illness.

Reps. Ruth L. Griffin, Gemmill, Cunningham and Pray, the day important business.

### COMMITTEE OF CONFERENCE

#### CONFEREES CHANGES

HB 1, Rep. John W. Richardson replaced by Rep. John E. Goff.

SB 23, Rep. G. Winthrop Brown replaced by Rep. Olden.

HB 31, Rep. Coutermarsh replaced by Rep. Daniell.

## COMMUNICATIONS

To the Honorable Members  
of the House of Representatives

House Bill 27, sponsored by Representative Donald Gorman of Derry, is one of the best bills to come before the special session.

The Off-Highway Recreational Vehicle Law, enacted last year, took away a basic right to bear firearms by persons riding in off-highway vehicles.

This act restores the right to carry firearms so long as they are unloaded. The restriction on unloaded firearms does not apply to law enforcement officers carrying arms in the course of duty, nor does it apply to pistols carried under a permit.

I am very pleased to be able to sign this bill into law.

Meldrim Thomson, Jr.

To the Honorable Members of  
the New Hampshire General Court

I shall let House Bill No. 3, an act relative to the establishment of a food stamp program for New Hampshire, become law without my signature.

The need to consider food stamp legislation was one of the major reasons why I called the Legislature into special session on March 19.

The Federal government will discontinue the surplus food program on July 1 of this year. Under that program, we provided surplus food for approximately 22,000 people in New Hampshire. Most of the food is supplied at Federal cost; however, the operational cost of the New Hampshire Distribution Corporation is approximately \$220,000 a year.

I urged the Legislature to consider a Granite State voucher food program that would cost the taxpayers approximately \$21½ million. It would have provided vouchers for deserving recipients with which they could have purchased food in their local stores without the severe restrictions placed on Federal food stamps.

This New Hampshire program would have had the unique value of being operated through the county commis-



sioners and town selectmen in the same manner that the surplus food program is administered. This would have maintained control at the local level.

House Bill No. 3, at a cost of \$1¾ million for the balance of fiscal 1974 and all of fiscal 1975, will be administered by the Welfare Department. It will also add 98 additional persons to the State payroll.

Food stamp programs throughout the United States have developed many serious problems. For example, they are so difficult to administer that more than half of the people in the nation who are entitled to food stamps never bother to qualify for them. The stamps are frequently misused by recipients trading them off in order to obtain cash or by college students using them to finance their way through school. We are advised that, as an example, one-third to one-half of all food stamp recipients in Ingham County, Michigan, are students at Michigan State University.

It was because of the possibility of abuses in the program by which the taxpayers and the honest, deserving recipients both suffer that we recommended House Bill No. 3 be amended so that overall control of the program would rest with Governor and Council. This amendment the Legislature rejected.

It is obvious that we cannot leave the deserving recipient without some food assistance after July 1, and for this reason I am permitting House Bill No. 3 to become law without my signature.

I plan, however, to delegate a member of my staff to keep in close touch with this program as administered by the Welfare Department and to develop an in-depth report for the Legislature for January, 1975. Thus, if abuses develop, they can be corrected. Moreover, the people will have the benefit of a full review of the program following the first six months of its operation.

Meldrim Thomson, Jr.

To the Honorable Members of the  
New Hampshire General Court

I am signing House Bill 32 which increases the take of the State and the dog track from 17 to 18 per cent on money bet at dog races.

This bill would add about \$500,000 to the amount available for a division between State and Track, based upon the number of days of racing at Hinsdale and Seabrook and the average daily betting at each track over the period of the past year.

Actually, the State stands to gain if the bet each racing day does not exceed \$150,000. But thereafter the rate for the State per night would decrease slightly and that of the Track would increase. See table set forth below.

#### NEW HAMPSHIRE'S SHARE TO DECREASE

Amount bet each racing day	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000
Current share (RSA 284:23, IIa)	32.3%	32.3%	37.5%	40.5%	43.8%
Proposed share (HB 32)	33.4%	35.1%	36.1%	38.8%	40.7%

It has been estimated that if the Seabrook Track did as well or better next year as it has done this year its percentage of take would increase by almost \$400,000 while that of the State would only increase an additional \$100,000.

I believe that this increase in revenue for the Seabrook Track would be justified if they will proceed with the planned expansion from a present capacity of 2,500 patrons a night to 4,000.

On Saturday, March 30 the Board of Directors of Yankee Greyhound Racing, Inc. adopted the following resolution which indicates that within 30 days of the signing of House Bill 32 they will proceed with an expansion program estimated to cost approximately \$1 million. It was to encourage this expansion which will result in greater revenue to the State in the long run that I signed the bill. The resolution is as follows:

“TO AUTHORIZE THE CORPORATION TO PROCEED FORTHWITH WITH THE PLANNED EXPANSION OF THE CORPORATION'S GREYHOUND RACING FACILITY AT SEABROOK, NEW HAMPSHIRE, TO BRING ABOUT THE COMPLETION OF THE PLANS AS RAPIDLY AS POSSIBLE, AND TO ENTER INTO A CONSTRUCTION CONTRACT FOR THE COMMENCEMENT OF CONSTRUCTION

WITHIN THIRTY (30) DAYS FROM THE DATE  
THAT HOUSE BILL 32 BECOMES LAW."

However I do believe that the Legislature should review the percentage of the take between Track and State at its next regular session.

The importance of such a review in order to provide a larger percentage of take for the State of New Hampshire is illustrated by the table set forth below which indicates how much higher the State of Massachusetts take is compared to that of New Hampshire.

Amount bet each racing day	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000
N. H. Current share	32.3%	32.3%	37.5%	40.5%	43.8%
Mass. Current share	36.1%	36.1%	40.9%	43.8%	46.9%

Meldrim Thomson, Jr.

The clerk read the communications in full.

## SENATE MESSAGES

### ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

## NONCONCURRENCE

### REQUEST COMMITTEE OF CONFERENCE

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

The President appointed Sens. Porter, Poulsen and Downing on the part of the Senate.

Rep. Frizzell moved that the House accede to request for committee of conference.

Adopted.

The Speaker appointed Reps. Currier, Twigg, Record, Alukonis and Hildreth.

COMMITTEE OF CONFERENCE  
REPORT HB 29

The committee of conference to which was referred House Bill 29, An Act relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence in the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Green

Sen. S. Smith

Sen. Downing

Conferees on the Part of the Senate

Rep. French

Rep. Raymond

Rep. Rock

Rep. Chambers

Rep. Cotton

Conferees on the Part of the House

At the request of Reps. Lawton and Nighswander, Rep. French answered questions.

Committee of Conference report adopted.

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The committee of conference to which was referred House Bill 4, 'An Act providing supplemental grants to families with dependent children and making an appropriation therefor and

authorizing flat grant payments for categorical assistance', having considered the same, report the same with the following recommendation:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and the House each adopt the following new amendment to the bill and pass the bill as so amended:

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Authorizing Consolidated Standards, Except Shelter Standards, for Aid to Families with Dependent Children. Amend RSA 167:7, as amended, by striking out said section and inserting in place thereof the following:

167:7 Amount of Assistance. The director of the division of welfare, department of health and welfare, may establish consolidated standards of assistance, except for shelter, for recipients of aid to families with dependent children and shall determine the amount of assistance to be granted under this chapter or RSA 161. In regard to the amount of assistance for shelter for recipients of aid to families with dependent children, due regard shall be given to the necessary expenditures in each case and the conditions in each case for the cost of shelter, moving to, equipping, and maintaining shelter. The director shall, however, have discretion to establish maximum levels of payment for the cost of shelter, moving to, equipping, and maintaining shelter, or to pay a percentage of the actual amount of such costs. In the determination of assistance under this chapter or RSA 161, due regard shall be given to the income and resources of recipients to the end that, subject to legislative appropriations, recipients be enabled to subsist compatibly with decency and health. The director of the division of welfare shall give notice to and in appropriate cases consult with the proper officials of counties, cities or towns hereby required to contribute to the cost thereof.

3 Effective Date. This act shall take effect upon its passage.

Sen. Bradley

Sen. McLaughlin

Sen. R. Smith

Conferees on the Part of the Senate

Rep. McLane  
 Rep. Ferguson  
 Rep. John B. Goff  
 Rep. Burleigh  
 Rep. Cote  
 Conferees on the Part of the House

At the request of Rep. Chandler, Rep. McLane answered questions.

(discussion)

Reps. Brungot, Joseph L. Eaton and Spirou spoke in favor of the committee of conference report.

Rep. Lawton spoke against the committee of conference report.

Committee of Conference report adopted.

The committee of conference to which was referred House Bill No. 2, 'An Act making appropriations for capital improvements.', having considered the same report the same with the following recommendation:

That the House recede from its position in nonconcurring with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the House and Senate each adopt the following new amendment to the bill and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

- |                                                                             |            |
|-----------------------------------------------------------------------------|------------|
| I. Adjutant General                                                         |            |
| Concrete floor — Manchester                                                 |            |
| Armory                                                                      | \$50,000   |
| II. Administration and Control                                              |            |
| (a) Restore and refurbish legislative chambers and 3rd floor of state house | \$160,000* |

(b) Refurbish exterior of state house	80,000
(c) Renovate first floor toilets	30,000
(d) Clean and point exterior-state library	50,000
(e) Renovations to Purchase and Property Warehouse	68,000

Total Paragraph II	388,000
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\*The projects for which this appropriation is made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the Speaker of the House and President of the Senate jointly, and in the expenditure of said funds the provisions of RSA 8 and RSA 228 shall not apply.

### III. Aeronautics Commission

(a) Nashua — Land for ILS	\$240,000*
Less Federal	180,000

Net Appropriation	\$60,000
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\*Land to be acquired by the city of Nashua under RSA 423 and to be reimbursed from these funds.

(c) Lebanon — Taxiway	\$112,000
Less Federal	84,000

Net Appropriation	28,000
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Total Paragraph III	88,000
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### IV. Education — New Hampshire Vocational-Technical Colleges

(a) Nashua	
Automotive building:	
Engineering	\$45,300
Construction	697,500
Furnishings	106,400
Contingencies	30,000

Total Subparagraph (a)	\$879,200*
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(b) Claremont	
Allied health science building:	
Site	\$35,000
Engineering	75,000
Construction	1,100,000
Utilities	12,000
Furnishings	175,000
Contingencies	57,000

Total Subparagraph (b)	1,454,000*
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(c) Laconia		
New equipment — graphic arts presses and related items		78,000
(d) Berlin		
Automotive shop addition	\$143,000	
Baking kitchen and cafeteria expansion:		
Engineering, working drawings and construction	157,000	
Total Subparagraph (d)		300,000*
(e) Manchester		
Library extension		225,000
Total Paragraph IV		2,936,200

\*It is the declared legislative intent that this shall be the total cost of completing this project at this facility. No funds hereby appropriated shall be expended for any other purpose except engineering costs, working drawings and plans until such drawings and plans have been approved by the governor and council.

#### V. Health & Welfare

(a) Office building — phase II — Design, engineering, and working drawings to be ready for 1975 Legislative Session		\$655,000
(b) N. H. Home for the Elderly (Glencliff) — Laundry		83,600
(c) N. H. Hospital		
(1) Reline fuel oil tanks	\$18,000	
(2) Equipment for main building kitchen	25,000	
(3) Plumbing, renovation, etc. in south side main building	69,000	
(4) Plumbing, renovation, etc. in north side main building	86,000	
(5) Dolloff building — renovate to life safety code, etc.	80,500	
(6) Reconstruction and renovation of Tobey, Thayer, Brown, and Walker buildings —		
A. Design and engineering all four buildings	300,000	



B. Reconstruction and  
renovation of Tobey  
building complete:  
Construction  
Contingencies  
Equipment

823,400  
100,000  
40,000

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Total Subparagraph (c) 1,541,900

(d) Laconia State School and  
Training Center

(1) Laundry equipment \$55,000  
(2) Dairy barn conversion  
(own forces) 30,000  
(3) Renovate electrical  
entrance and outside  
wiring phase I 132,000

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Total Subparagraph (d) 217,000\*

\*Authority is hereby granted to sell, dispose or remove, at no cost, the silo at the Laconia State School and Training Center. Any revenue derived from its sale or removal shall be deposited in the general funds of the state.

Total Paragraph V 2,497,500

VI. New Hampshire Youth Development  
Center — acquisition of one  
youth residential center located  
off the present property but with-  
in the Manchester area.  
Spaulding Cottage renovation

\$125,000\*  
55,000

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\*This appropriation shall be reduced by any available federal funds.

Total Paragraph VI 180,000

VII. Liquor Commission

Addition to Portsmouth store No. 38 345,000

VIII. Department of Resources and  
Economic Development

(a) Removal and/or relocation and/  
or reconstruction of miscellan-  
eous department buildings in-  
cluding the following:

State Forest Nursery —  
Gerrish; Laconia State School  
— Laconia; Odiorne Point  
State Park — Rye; Ragged Neck  
State Park — Rye; Coleman  
State Park — Stewartstown

\$75,000  
10,000

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Less federal funds

Net state appropriation  
Subparagraph (a)

\$65,000

(b) Division of Resources	
Land acquisitions	\$75,000
Less federal funds	37,500
	<hr/>
Net	\$37,500
Administrative costs necessary to acquire land	5,000
	<hr/>
Net state appropriation	
Subparagraph (b)	\$42,500
(c) Division of Parks	
(1) Land Acquisition —	
Recreation trails, ease- ments, rights-of-way	\$20,000
Title work, surveys, pro- rata taxes (No Federal Match)	5,000
(2) Engineering and construction	
A. Bear Brook — new water supply	49,000
B. Franconia — phase II show- making, novice slope development	95,000
C. Greenfield — construct shower building and ex- pand parking and picnic area	56,000
D. Odiorne Point — planning and design, and site im- provement	15,000
E. Pawtuckaway — sewage dump- ing station, new toilet building	40,000
F. Fort Constitution — re- construction, and renova- tion	25,000
G. Robert Frost Homestead — renovation, reconstruction and apartment facility for caretaker	
Living quarters	15,000
Architect Fees (not to ex- ceed this amount)	5,000
Basic structural renova- tion	10,000
	<hr/>
Total Subparagraph (c)	\$335,000
Less federal funds	137,500
	<hr/>
Net state appropriation	
Subparagraph (c)	197,500

- (d) Capital Construction Projects  
 — 5 year Bonds  
 Franconia Notch state park —  
 installation of new tramway  
 cables; then repair electrical  
 and mechanical drive

\$180,000

Total Paragraph VIII

485,000

IX. Department of Safety

- (a) Office building  
 (1) Preliminary site evaluation  
 (2) Engineering and working  
 drawings  
 (b) Safety services  
 Rebuild Winnepesaukee boat  
 house and dock facility  
 (c) State police  
 Renovate radio station  
 and building

\$10,000\*

240,000\*\*

35,000

8,000

Total Paragraph IX

293,000

\*Any balance remaining in this appropriation after the purpose for which the same is made has been completed shall be transferred to the appropriation made by subparagraph (2) of this paragraph.

\*\*None of these funds shall be expended until the joint office space study committee established pursuant to 1970, 29:4 approves the site or sites relative to which the planning and engineering studies shall be directed, and provided that all such sites shall be located only on state-owned land.

- X Veteran's Home  
 Nursing care unit  
 Less federal funds

\$2,337,500

1,519,375

Net state appropriation Paragraph X

818,125\*

\*It is the declared legislative intent that this shall be the total completion cost for this project. No funds hereby appropriated shall be expended for any other purpose except engineering costs, working drawings and plans until such drawings and plans have been approved by the governor and council.

XI. State Prison

- Improvements and repairs as  
 follows: replacing windows  
 (main cell block), renovate  
 heating (main cell block), new  
 roofs on hospital and old boiler  
 room, No. 1 boiler conversion burn-  
 er, toilets for annex, renovate  
 annex, maximum security cells in  
 old hospital area

275,900

XII. Water Resources Board — Repairs,  
reconstruction and rebuilding  
of dams.

(a) Union Meadows	\$43,320
(b) Kingswood Lake	53,420
(c) Glen Lake	151,620
(d) Howe Reservoir	29,640
(e) Winnisquam Lake	114,000

Total Paragraph XII	392,000
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XIII. Water Supply and Pollution  
Control Commission

Regional waste treatment plant	
Winnepesaukee River Basin	\$20,086,000
Less federal funds	15,064,500
Less local funds	1,004,300

Net state appropriation Paragraph XIII	4,017,200
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XIV. Public Works and Highways,  
Division of

Contractual maintenance projects:

5 year bonds

New Hampshire Hospital

Concord, N. H.

(a) Overhauling elevators	\$40,000
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(b) Reinsulate warehouse freezer	12,000
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Total Paragraph XIV	52,000
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Total state appropriation Section 1	\$12,817,925
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2 Appropriation. University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified: including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the University of New Hampshire system:

I. Merrimack Valley Branch

(a) Development of outside utilities	\$3,750,000
(b) Construction of first building	1,668,000
(c) Design and working drawings of second building	175,000

Total Paragraph I	\$5,593,000**
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II. Keene Campus

Renovation of former Elliot  
Hospital

700,000\*

III. Plymouth Campus	
New academic building complete	4,000,000**
IV. Durham Campus	
Complete renovation of James, Morrill, Murkland, and Kingsbury Halls to conform with N. H. Life Safety Code	486,000**
V. All Campuses	
Phase I of installation of fire detection system in various buildings to comply with N. H. Life Safety Code	82,000**
VI. Snively Arena — Fire doors, safety lights and devices to meet Life Safety Code	18,000**
Total state appropriation Section 2	\$10,879,000

\*These funds shall not be transferred or used for any other purposes and the following guidelines are the intent of the general court: (1) repairs to roofs; (2) repairs to heating equipment and utilities to meet minimum applicable life safety code standards; (3) minimum alterations required to make usable buildings for administrative and academic purposes.

\*\*These funds shall not be transferred or used for any other purposes.

3 Appropriation; Self-Liquidating. The sum of two million one hundred eighty-three thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing and dining facilities and utilities at the University of New Hampshire as follows:

Durham Dormitory

Construction	\$2,040,000**
Furnishings and equipment	143,000*

Total Section 3	<u>\$2,183,000</u>
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\*5 year bonds.

\*\*30 year bonds.

4 Expenditures, General. The appropriation made for the purposes mentioned in sections 1, 13 and 29, and the sums available for those projects, shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

5 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall

be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the service of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this

act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 13, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3 and 29 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of twenty-five million, nine hundred seventy-four thousand, nine hundred twenty-five dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph VIII (d), paragraph XIV and section 3 (furnishings and equipment \$143,000) of this act, shall have a maturity date of five years from date of issue, and provided further that the bonds issued for the purposes of section 3 (construction \$2,040,000) of this act shall have a maturity date of thirty years from the date of issue.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3, 13 and 29 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2 and 3 hereof.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 13 and 29 beyond the

estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the same amount.

11 Transfers. The individual project appropriations, as provided in sections 1, 2, 3, 13 and 29 shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

12 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3, 13 and 29 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by sections 7 or 14, whichever is applicable, shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Water Resources Board Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, for capital improvements and long-term repairs thereto, to the water resources board:

I. Baker River Watershed Project

Sites 6-A, 7, and 11-A	\$2,850,350
Less federal funds	2,158,575
Less other funds	81,000

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Net state appropriation paragraph I	\$610,775
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II. Cold River Watershed Project Site

6 (jointly with state of Me.)	\$345,700
Less other funds	34,000
Less federal funds	296,000

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Net state appropriation paragraph II	\$15,700
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## III. Souhegan River Watershed

Site No. 33	\$2,500
Site No. 8	40,000

Total paragraph III	<u>\$42,500</u>
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Total state appropriation section 13	<u>\$668,975</u>
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14 Bonds Authorized. To provide funds for the total of the appropriations made of state funds in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of six hundred sixty-eight thousand nine hundred seventy-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Appropriation Extension. The appropriation made to the water resources board by 1971, 559:1, X, for the specified capital expenditures shall be available for expenditure until July 1, 1977.

16 Certain Parks Appropriations of 1971 Extended. The following appropriations to the division of parks, for the specified capital improvements, shall be available for expenditure until July 1, 1977:

I. 1971, 559:1, VII, (1), (a), (i), Franconia Notch State Park, tramway cables.

II. 1971, 559:1, VII, (1), (b), Berlin wayside and recreation area.

III. 1971, 559:1, VII, (1), (g), dredging and improvements of Hampton Harbor.

17 Appropriation for Hooksett Liquor Store Extended. Amend 1972, 42 by inserting after section 4 the following new section:

42:4-a Appropriation Extended. Notwithstanding any other statute to the contrary the appropriation made by this act shall be available for expenditure up to July 1, 1977.

18 Aeronautics Commission. Amend the footnote in Laws of 1969, 505:1, III, as amended by Laws of 1972, 62:3, by adding

to the footnote the following new paragraph (The provisions within this footnote which appear prior to this insertion shall not apply to paragraphs III, (b) and (d), but said appropriations shall be matched with any applicable federal funds and shall, notwithstanding the provisions of RSA 9:18, not lapse until June 30, 1977.)

19 Angle Pond Appropriation Increased. Amend Laws of 1969, 489:3, by striking out said section and inserting in place thereof the following:

489:3 Expenditure Authorized. The water resources board is hereby authorized to expend a sum of money not to exceed thirty thousand dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

20 Pisgah Road Appropriation Reduced and Extended. Amend Laws of 1971, 559:1, VII, (1), (e), by striking out the same and inserting in place thereof the following:

(e) Pisgah Road Improvements	\$102,500
Less federal funds	40,000

Total

\$62,500\*

\*Within this appropriation the sum of \$22,500 provides for nonfederal BOR participation projects. This appropriation shall not lapse until June 30, 1977.

21 Reducing the Appropriation for the Soldiers' Home. Amend Laws of 1971, 559:1, VIII, by striking out said paragraph and inserting in place thereof the following:

#### VIII. Soldiers' Home

Engineering Services — renovations 2,000

22 Reducing the 1971 Capital Budget Bonding. Amend Laws of 1971, 559:8, as amended, by striking out said section and inserting in place thereof the following:

559:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3 and 16 of this act, the state

treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million four hundred one thousand one hundred sixty-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

23 Legislative Facilities Committee. Amend 1973, 368:1 by striking out said section and inserting in place thereof the following:

368:1 Committee Established. A joint committee on legislative facilities is hereby established for the purposes of conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities. The committee shall consist of the president of the senate and the speaker of the house, or their designees, the majority and minority leaders of each body and one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house who shall be members from the office space study committee; and an additional member of the senate appointed by the president and an additional member of the house appointed by the speaker. The committee shall meet as required and shall serve without compensation; however, the committee members shall receive legislative mileage.

24 Legislative Parking Facility. Amend 1973, 368:2 by inserting after paragraph IX the following new paragraphs:

X. The committee shall have the authority to negotiate and contract with the city of Concord for the acquisition of land or air rights for the purpose of constructing a parking facility for the use of the legislature, and such land or air rights may be acquired without the consent of the governor and council.

XI. Notwithstanding any other provisions of law to the contrary, all space in and utilization of the legislative parking facility shall be determined by the president of the senate and the speaker of the house.

XII. The division of buildings and grounds within the department of administration and control shall be responsible for the maintenance of said parking facility. The superintendent of state buildings and grounds in consultation with the comptroller and approval of the legislative facilities commission as established by 1973, 368:1, as amended, shall set reasonable user fees. Said user fees collected shall be deposited with the state treasurer as restricted revenue to be used by the division of buildings and grounds to offset the cost of maintenance.

25 Appropriation. Amend 1973, 368 by inserting after section 6 the following new sections:

368:6-a Appropriation. The sum of seven hundred seventy thousand dollars is hereby appropriated for the planning and construction of a legislative parking facility. Said sums shall be expended by the legislative facilities committee. The committee is authorized to apply for, accept and expend federal and private funds that may be made available for the purposes of this act and the amount of state funds available for said purposes shall be reduced by the amount thereof.

368:6-b Bonds Authorized. To provide funds for the appropriation made in section 6-a of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of seven hundred seventy thousand dollars, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

26 Powers of University Trustees. Amend RSA 187:8, as amended, by inserting after paragraph IX the following new paragraph:

X. To maintain and operate all housing facilities, dining halls or other food service facilities, student unions, and bookstores for students and faculty on all campuses of the university system which are in existence on the effective date of this paragraph or which may later be constructed and to collect rents from any such housing facilities.

27 Special Funds Established. Amend RSA 187 by inserting after section 10 the following new section:

187:10-a Special Funds for Self-amortizing Projects. The trustees of the university shall keep the income from all: housing facilities, dining halls and other food service facilities, student unions, and bookstores each in a separate fund for each division or campus of the university system. From each such fund shall be paid the proportionate part of the annual interest on the state borrowing for the purpose of constructing any of the four above-mentioned particular facilities at the particular division of campus, and a like proportionate payment of installments of principal as the same become due until such time as all obligations incurred by the state for any of said four facilities at any division or campus have been met. All operating and maintenance expenses of the four above-mentioned facilities shall be paid from the applicable separate fund hereby established.

28 Repeal. The following statutes are hereby repealed:

I. RSA 187:10, relative to dormitory rentals;

II. Laws of 1967, 394:11-a, establishing special funds for certain university buildings;

III. Any statute inconsistent with the provisions of RSA 187:8, X or RSA 187:10-a.

29 Mount Sunapee Snow-making Feasibility Study. The sum of fifteen thousand dollars is hereby appropriated to the department of resources and economic development, division of parks to hire a competent engineering firm to make the necessary feasibility study, both economic and engineering, for the installation of snow-making equipment on all or part of Mt. Sunapee. Said study shall be submitted to the fiscal committee of the general court which shall consult with the public works committees of both the house and senate. If the fiscal committee of the general court finds that the installation of snow-making equipment at Mt. Sunapee is feasible, then there is appropriated to the department of resources and economic development, division of parks the sum of eighty thousand dollars to obtain detailed engineering plans for said installation.

30 Electronic Roll Call Committee. Amend 1973, 592 by striking out the first paragraph and inserting in place thereof the following:

That a special legislative committee is hereby established to work with the public works division of the department of public works and highways to consider the various proposals submitted to such division and to decide which system best satisfies the requirements of the legislature. Membership of the committee shall consist of the speaker of the house, the majority and minority leaders of the house, the chairman of the house public works committee and the chairman of the house appropriations committee. Each member may appoint designees, not exceeding two in number, to serve in his place. The committee shall have the following powers and duties: (1) to choose the system within the appropriation allocated and provide for installation and approval before January 1, 1975; (2) to request for an indefinite period the temporary assignment of any classified or unclassified employee of the state to assist the committee in its work, and such employee shall be assigned to such temporary duty and be under the direction and supervision of the committee, but shall continue to be paid by the department of which he is an employee. In carrying out its duties hereunder, the committee is exempted from the provisions of RSA 228 and RSA 8; provided, however, that if it so requests, the department of public works and highways and the director of the division of purchase and property shall provide the services of their departments and follow the procedures provided for in RSA 228 and RSA 8, except that in no case shall the approval of governor and council be required, but instead the approval of the committee shall be sufficient.

31 Effective Date. This act shall take effect upon its passage.

Sen. Trowbridge

Sen. Blaisdell

Sen. Sanborn

Conferees on the Part of the Senate

Rep. Arthur F. Mann

Rep. Daniels

Rep. Raymond

Rep. Belair

Rep. John B. Goff

Conferees on the Part of the House

At the request of Rep. Newell, Rep. Raymond answered questions.

Committee of Conference report adopted.

The committee of conference to which was referred House Bill No. 35, 'An Act providing for twenty year retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.', having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendment to the bill and pass the bill as so amended.

Amend the bill by striking out section 11 of the same and inserting in place thereof the following:

11 Appropriation. There is hereby appropriated the sum of forty-nine thousand dollars for the 1975 fiscal year representing the state's share of the cost of carrying out the purposes of this act. The governor is authorized to draw his warrant for the sums herein appropriated from any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 13 of same and inserting in place thereof the following:

13 Effective Date. This act shall take effect July 1, 1974.

Sen. Trowbridge  
Sen. Green  
Sen. Blaisdell  
Conferees on the Part of the Senate  
  
Rep. Drake  
Rep. George B. Roberts, Jr.  
Rep. Coutermarsh  
Rep. Weeks  
Rep. Roderick H. O'Connor  
Conferees on the Part of the House

At the request of Rep. Read, Rep. Drake answered questions.

(discussion)

Rep. Palfrey spoke in favor of the committee of conference report.

Committee of Conference report adopted.

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The committee of conference to which was referred House Bill No. 34, 'An Act relative to energy facility evaluation, siting, construction and operations; providing for a tax on refined petroleum products; and establishing an energy facility study committee.', having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendments to the bill, and

That the House and Senate each pass the bill as amended.

Amend RSA 162-H:1 as inserted by section 3 of the bill by inserting at the end of said section the following (The legislature also recognizes that it has a broad responsibility to provide both economic and environmental protection for its coastal and estuarine waters and the adjoining land areas. The legislature therefor declares it to be its policy that any offshore facility other than pipelines shall be located so as to at least comply with the policies and guidelines of the Federal Environmental Protection Agency; and that this policy may be relaxed only if it is shown by clear and convincing evidence that there are compelling technological or economic reasons for doing so, that no feasible alternative exists, and that there will be no substantial environmental risk.) so that said section as amended shall read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic



growth of the state and the environment of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; that the state insure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic and technical issues are resolved in an integrated fashion; and that existing laws do not provide adequate public review and control over the construction and operation of energy facilities. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities. The legislature also recognizes that it has a broad responsibility to provide both economic and environmental protection for its coastal and estuarine waters and the adjoining land areas. The legislature therefore declares it to be its policy that any offshore facility other than pipelines shall be located so as to at least comply with the policies and guidelines of the Federal Environmental Protection Agency; and that this policy may be relaxed only if it is shown by clear and convincing evidence that there are compelling technological or economic reasons for doing so, that no feasible alternative exists, and that there will be no substantial environmental risk.

Amend RSA 162-H:4, II, as inserted by section 3 of the bill, by striking out in line twenty-three the word "five" and inserting in place thereof the following (seven) so that said paragraph as amended shall read as follows:

II. The committee shall incorporate in any permit issued hereunder such terms and conditions as may be specified to the committee by any of such other state agencies as have jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any permit hereunder if any of such other state agencies denies authorization for the proposed activity over which it has jurisdiction. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency. Notwithstanding any other provision of law, the application required by RSA 162-H:6 shall be in lieu of all applications otherwise re-

quirable by any of such other state agencies. Further notwithstanding any other provision of law, the hearing conducted under RSA 162-H:8 shall be a joint hearing with such other state agencies and shall be in lieu of all hearings otherwise requirable by any of such other state agencies, provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any such other state agencies so to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter. Subject to RSA 162-H:6, III, but notwithstanding any other provision of law, each of such other state agencies shall make and submit to the committee a final decision on such parts of the application as relate to its jurisdiction not later than seven months after it has received a copy of such parts in accordance with RSA 162-H:6, I. Notwithstanding any other provision of this section or this chapter, each of such other state agencies shall retain all of its powers and duties of enforcement.

Amend RSA 162-H:4, III, as inserted by section 3 of the bill, by striking out said paragraph.

Amend RSA 162-H:7, I. (d) , as inserted by section 3 of the bill, by striking out in line one the word "his" and inserting in place thereof the following (its) . so that said subparagraph as amended shall read as follows:

(d) The location or locations where an applicant is to conduct its business.

Amend RSA 162-H:9, I, as inserted by section 3 of the bill, by striking out said paragraph and inserting in place thereof the following:

I. In order for the committee to issue a permit hereunder consistent with the provisions of RSA 162-H:1, it must find the following:

Amend RSA 162-H:9, I, (a), as inserted by section 3 of the bill, by inserting in line three after the word "sites," the following (coastal and estuarine waters,) so that said subparagraph as amended shall read as follows:

(a) the proposed site and facility will not unduly interfere

with the orderly development of the region and will not have an unreasonably adverse impact on aesthetics, historic sites, coastal and estuarine waters, air and water quality, the natural environment and the public health and safety; and

Amend RSA 162-H:10 as inserted by section 3 of the bill, by striking out in line two the word "twelve" and inserting in place thereof the following (fourteen) so that said section as amended shall read as follows:

162-H:10 Permit Deadline. Subject to RSA 162-H:6, III, a permit shall be either issued or denied by the committee within fourteen months of the date of its receipt of the application and may contain such reasonable terms and conditions as it deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such determinations, when made, shall be final and in writing and subject only to the provisions of this chapter.

Amend RSA 78-C:2, I, as inserted by section 4 of the bill, by striking out in line two the words "one-half" and inserting in place thereof the following (one-tenth), so that said paragraph as amended shall read as follows:

I. A tax is hereby imposed upon the refining of refined petroleum products at the uniform rate of one-tenth of one percent on the fair market value per barrel of such products at the refinery site, to be paid by the refiner thereof.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Energy Facility Study Committee Established. There is hereby established a committee to study energy facilities and related activities. The study shall include but is not limited to energy facilities (including oil refineries), siting, pipelines, offshore loading and unloading and the regional community impact of energy facilities and related satellite petrochemical industries. Said committee shall consist of eleven members appointed as follows: two senators appointed by the president of the senate, three representatives appointed by the speaker of the house, one member from the Southeast Regional Planning Commission, one general economist appointed by dean of Whittmore School of Business, one general biologist and one engineer or technologist, both appointed by the president of the

University of New Hampshire, and two members of the general public, appointed by the governor. The committee shall elect one of its members as chairman. The legislative members of the committee shall be entitled to legislative mileage and the department representatives on the committee are authorized reimbursement for actual expenses in the performance of duties connected with committee functions. The committee is authorized, and it is recommended that they consult with the other New England states or any committee therein, to define a New England plan for the orderly development of oil refinery siting and offshore unloading facility. Further studies should include consideration of the advantages and disadvantages of both private and publicly owned offshore loading facilities and the part that the port authority should play in such a facility. The committee is authorized to hold public hearings and to receive the support and cooperation of any state agency as may be required. The committee's recommendations and findings shall be made to the general court by January 1, 1975.

6 Energy Facility Tax Study. The matter of taxation and its application to energy facilities (including oil refineries), shall be referred to the standing ways and means committee of the senate and the house for their joint consideration. Any report and recommendations shall be made to the general court by January 1, 1975.

7 Effective Date. This act shall take effect upon its passage.

Rep. Greene  
Rep. Nutt  
Rep. Roberts  
Rep. Woodruff  
Rep. David J. Bradley  
Conferees on the Part of the House  
Sen. Porter  
Sen. Bradley  
Sen. Preston  
Conferees on the Part of the Senate

Committee of Conference report adopted.

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The committee of conference to which was referred House Bill No. 33, 'An Act relative to the Winnepesaukee River Basin Control; providing for continuation of the study committee on

water supply and pollution control commission; and establishing an interim committee to study floodplains,' having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendment to the bill, and

That the House and Senate each pass the bill as so amended.

Amend the bill by striking out all after section 3 of same and inserting in place thereof the following:

4 Committee Membership Enlarged. Amend the laws of 1973, chapter 334, by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby established a special legislative committee to study and report on the existing program and future needs of the water supply and pollution control commission. The committee shall review the efficiency, economy and effectiveness of present procedures, policies and programs of the commission with respect to the handling of the duties and functions assigned to it. The committee shall make recommendation for any additional safeguards, personnel and other measures which it deems necessary in order that the commission may carry out its present and anticipated future responsibilities. Said committee shall consist of thirteen members appointed as follows: three senators, appointed by the president of the senate, seven representatives of the House committee on resources, recreation and development, appointed by the speaker of the house and three members representing the general public appointed by the governor. The committee shall elect one of its members as chairman. The committee shall report its findings and recommendations to the general court on or before January 15, 1975. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and its political subdivisions, such data, information and assistance as it may deem necessary or desirable for the

purposes of this study. The water supply and pollution control commission shall provide the special committee with such of its rules, regulations and procedures as the committee may request, together with the justification thereof.

5 Effective Date.

I. RSA 149-G:6, II, as inserted by section 2 of the act shall take effect on June 30, 1973.

II. The remainder of this act shall take effect upon its passage.

Sen. Porter  
Sen. Gardner  
Sen. Claveau  
Conferees on the part of the Senate

Rep. Claffin  
Rep. Ladd  
Rep. Oleson  
Rep. Tilton  
Rep. Harriman  
Conferees on the part of the House

Committee of Conference report adopted.

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The committee of conference to which was referred House Bill 18, An Act requiring local approval prior to approval of site plans for oil refineries, having considered the same, report the same with the following recommendations:

That the House recede from its position of non-concurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Porter  
Sen. Johnson  
Sen. Preston  
Conferees on the Part of the Senate

Rep. Hanson  
Rep. Benton  
Rep. Ethier  
Rep. Spirou  
Rep. Madeline G. Townsend  
Conferees on the Part of the House

Committee of Conference report adopted.

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SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

(Printed SJ April 2)

Rep. Raymond explained the committee of conference report.

(discussion)

Committee of Conference report adopted.

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The committee of conference to which was referred House Bill No. 31, 'An Act authorizing the public utilities commission until March 6, 1975, to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and providing bonding authority; on March 6, 1975, the foregoing authority shall be transferred to the New Hampshire transportation authority.', having considered same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendments to the bill, and

That the House and Senate each pass the bill as so amended.

Amend 372-A as inserted by section 1 of the bill, by inserting after section 20 the following new section:

372-A:21 Authorized to Employ Consultants. The commission may, in support of its actions as herein authorized, engage the services of consultants for the purpose of preparing estimates for plant rehabilitation costs. Further, it may engage, as it considers necessary, the services of qualified independent consultants to perform economic feasibility studies, or as otherwise necessary in carrying out the responsibilities of this chapter.

Amend RSA 372-A:20 as inserted by section 1 of the bill, by striking out in line three the words "or discussion", so that said section as amended shall read as follows:

372-A:20 New Hampshire Transportation Authority; Representative of. The executive director of the New Hampshire transportation authority, shall be notified and included in any meeting held by the public utilities commission and kept apprised of any decision made by said commission pursuant to the provisions of this chapter.

Amend section 2 of the bill, by striking out in line one the word "two" and inserting in place thereof the following (four), so that said section as amended shall read as follows:

2 Appropriation. There is hereby appropriated the sum of four million dollars for the purpose of purchasing, selling or leasing railroad properties and for the maintenance and operation of any railroad properties acquired pursuant to the provisions of RSA 372-A. Said appropriation shall be nonlapsing and may be expended by the commission for the aforementioned purposes only.

Amend section 3 of the bill, by striking out in line four the word "two" and inserting in place thereof the following (four), so that said section as amended shall read as follows:

3 Bond Issue Authorized. To provide funds for the purposes of section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state or to borrow from the federal government, or a combination of both a sum not exceeding four million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.



Amend section 6 of the bill by striking out said section and inserting in place thereof the following:

6 New Hampshire Transportation Authority Appropriation Reduced. Amend the Laws of 1973, 582:4 by striking out in line two the words "one hundred" and inserting in place thereof the following (fifteen) and by striking out in line three the words "a like amount" and inserting in said line after the numerals "1975" the following (the sum of one hundred thousand dollars.) so that said section as amended shall read as follows:

582:4 There is hereby appropriated for the New Hampshire transportation authority for the fiscal year ending June 30, 1974, the sum of fifteen thousand dollars; and for the fiscal year ending June 30, 1975, the sum of one hundred thousand dollars. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amend section 10 of the bill by inserting after RSA 21-C:24 the following new RSA section:

21-C:25 Authorized to Employ Consultants. The authority may, in support of its actions as herein authorized, engage the services of consultants for the purpose of preparing estimates for plant rehabilitation costs. Further, it may engage, as it considers necessary, the services of qualified independent consultants to perform economic feasibility studies, or as otherwise necessary in carrying out the responsibilities of this chapter.

Amend section 12 of the bill by striking out in line two the numeral "6" and inserting in place thereof the following (13), so that said section as amended shall read as follows:

12 Transfer of Appropriation; Bond Issue Authorization; Amortization of Bonds; and Appropriation for Administration. Effective on March 13, 1975, the appropriation made by section 2 of this act; the authorization for bond provided for by section 3 of this act; the provisions for amortization of such bonds pursuant to section 4 of this act; and the remainder of any funds appropriated, any personnel hired, and records and equipment acquired pursuant to the provisions of section 5 of this act, are hereby transferred to the New Hampshire transportation authority and the appropriate reference to RSA 21-C shall be sub-

stituted for any reference to RSA 372-A in the aforementioned sections of the act.

Amend paragraph II of section 14 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Sections 7, 8, 9, 10, 11, 12 and 13 of this act shall take effect only if both houses of the 1975 general court so vote prior to March 13, 1975, upon such action by the 1975 general court these sections shall take effect on March 13, 1975; in the event such action is not taken by said date these sections shall become null and void and have no legal force or effect, and the authority granted to the public utilities commission and to others by sections 1 through 6 shall continue in force and effect.

Rep. Zachos  
Rep. Hoar  
Rep. Bigelow  
Rep. Anthony Stevens  
Rep. Daniell  
Conferees on the Part of the House  
  
Sen. Trowbridge  
Sen. Claveau  
Sen. Sanborn  
Conferees on the Part of the Senate

At the request of Rep. Lawton, Rep. Zachos explained the committee of conference report.

Reps. Coutermarsh, George I. Wiggins and Plourde spoke against the committee of conference report.

(discussion)

Reps. Zachos, Bigelow, Spirou, Hunt and Lawton spoke in favor of the committee of conference report.

Reps. French, Parr, Forcier, Withington, Lessard, Anthony Stevens, Palfrey, Howard S. Humphrey, Hoar and Fred E. Murray non-spoke in favor of the committee of conference report.

Rep. Clark non-spoke against the committee of conference report.

Reps. Cobleigh and Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

219 members having voted in the affirmative and 54 in the negative, Committee of Conference report adopted.

Rep. Curran wished to be recorded as voting against the committee of conference report.

### ENROLLED BILLS REPORT

SB 18, providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of pre-funding to be paid out of escrowed funds derived from an interest assumption change.

Maurice M. Read

*For The Committee*

### RECESS

### AFTER RECESS

### SENATE MESSAGE

### ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor.

### COMMITTEE OF CONFERENCE REPORT

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency.

(Printed SJ April 2)

Rep. Drake explained the amendment.

(discussion)

Committee of Conference report adopted.

# COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974, and June 30, 1975, and making other budgetary changes, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and adopt the amendment to the bill as adopted by the Senate; and

That the House and Senate each adopt the following amendments to the bill as amended by the Senate; and

That the House and Senate each pass the bill as amended by the Senate with the following amendments:

Amend the bill by striking out paragraph II as inserted by section 44.

Amend the bill by striking out section 46 and inserting in place thereof the following new section 46:

46 Decreasing the Appropriation for the Division of Welfare \$681,700 in 1974. Amend 1973, 376:46, VII, (d), (1) by striking out the same and inserting in place thereof the following:

(1) Case services:

Grants	\$712,000	\$1,398,600
Total	\$712,000	\$1,398,600
Estimated source of funds for case services:		
Federal	\$534,000	\$1,048,950
General	178,000	349,650
Total	\$712,000	\$1,398,600

Amend 1973, 376:14, IV as inserted by section 66 of the bill by striking out the lines "Salaries of four assistant attorneys general \$54,382 \$59,794, Other personal services: Permanent 28,994 30,407" and inserting in place thereof the following:

Salaries of four assistant attorneys general	\$54,382	\$73,279
Other personal services:		
Permanent	28,994	16,922

Amend section 70 of the bill by striking out said section and inserting in place thereof the following:

70 Increasing the Appropriation to the Department of Resources and Economic Development to Update the State Comprehensive Outdoor Recreation Plan, to Make Permanent the Temporary Position of one Recreation Technician and Provide Additional out of State Travel Funds for the Office of the Commissioner.

I There is hereby appropriated to the department of resources and economic development the sum of \$63,000 in addition to any other sums appropriated, for fiscal 1974 for the state comprehensive outdoor recreation plan. The sum hereby appropriated shall be a charge against federal funds in the amount of \$31,500 and from funds not otherwise appropriated in the amount of \$31,500 for fiscal 1974. The sums hereby appropriated shall not be transferred or used for any other purposes and shall not lapse until June 30, 1975.

II There is hereby appropriated to the department of resources and economic development, recreation services, in addition to any other sums appropriated, the following:

	1974	1975
Personal services:		
Permanent	\$1,954*	\$10,806
Other expenditures:		
Benefits	176	974
Total	<hr/> \$2,130	<hr/> \$11,780
Estimated source of funds for recreation services:		
Transfer from BOR		

Surcharge Escrow Account	863	—
Recovery from BOR Direct and/or Indirect charges	—	5,890
General Fund	1,267	5,890
	<hr/>	<hr/>
Total	\$2,130	\$11,780

\*New position of 1 recreation technician effective April 25, 1974.

The Governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

III Amend 1973, 376:35, I (a) by striking out the line "Out of state 1,200 1,200" and inserting in place thereof the following:

Out of state	1,200	2,200
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Amend section 72 of the bill by striking out said section and inserting in place thereof the following:

72 Increasing the Appropriation for the Water Resources Special Board by \$2,000 in 1974, and \$3,000 in 1975. Amend 1973, 376:36, III by striking out the lines "Other 4,500 4,500, In state 4,000 4,000" and inserting in place thereof the following:

Other	6,500	6,500
In state	4,000	5,000

Amend the bill by striking out section 74 and inserting in place thereof the following new section:

74 Retirement Systems: Notice of Cost Increases to Local Officials. Amend RSA 100-A:14, (supp) as inserted by 1967, 134:1, as amended, by inserting after paragraph XI the following new paragraph:

XII. The state treasurer as agent for the board shall notify the selectmen of all towns, all city councils, and the superintendent or chief fiscal officer of all school districts within ten days of the introduction and within thirty days of the enactment of any legislative measure relative to the retirement systems which would affect the retirement system costs to cities, towns and school districts. For the purposes of this paragraph, "legislative measure" shall mean any bill or joint resolution introduced

in either the senate or the house of representatives but shall not include amendments to bills or joint resolutions.

Amend 1973, 376:3, VI as inserted by section 88 of the bill by striking out the line "Regional assistance 334,500\*\* 330,000\*\*" and inserting in place thereof the following:

Regional assistance	334,500**	330,000†
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Further amend 1973, 376:3, VI as inserted in section 88 of the bill by striking out the \*\* footnote and inserting in place thereof the following:

\*\*This appropriation shall be for the six regional planning areas and may not be transferred or expended for any other purpose.

†This appropriation shall be for the six regional planning areas and metropolitan central cities under the H.U.D. 701 program and may not be transferred or expended for any other purpose; provided \$95,000 shall represent a continuation of the state grants program to the regional planning commissions; and provided further, that no more than \$70,000 of federal funds of this appropriation may be spent for metropolitan central cities and metropolitan planning regions under the H.U.D. 701 program.

Amend the bill by striking out section 92 and inserting in place thereof the following:

92 Authorizing the Department of Safety, Division of Motor Vehicles to establish a motor vehicle substation in the city of Manchester and providing an appropriation therefor. There is hereby appropriated to the department of safety, division of motor vehicles, for the purpose of establishing a motor vehicle substation in the city of Manchester the following:

	1975
Personal services:	
Permanent	\$5,855
Other	5,381
Current expenses	1,826
Equipment	2,811
Other expenditures:	
Benefits	1,001
Total	<hr/> \$16,874

The above amounts are appropriated in addition to any other appropriation for the Department of Safety. The sums appropriated shall be a charge against the highway fund and shall not be transferred or used for any other purpose.

Amend section 94 of the bill by striking out said section and inserting in place thereof the following:

94 Increasing the appropriation for the General Court by \$18,110 in 1974, and \$45,755 in 1975. Amend 1973, 376:2, I, (a) and (b) by striking out the same and inserting in place thereof the following:

	Fiscal 1974	Fiscal 1975
(a) Senate:		
Personal services:		
Members		\$6,050
Attaches	\$38,000	95,000
Current expenses	7,000	18,900
Travel — members and attaches	10,000*	53,001**
Equipment and capital improvements	2,500	5,000
Other expenditures:		
Membership fees	1,500	1,500
Legal services and consultants	1,500	3,000
Benefits	3,420	8,500
Total	\$63,920	\$191,001
Estimated source of funds for senate:		
General	\$63,920	\$191,001

\*Includes travel and expenses authorized by RSA 14-A:3 (supp).

\*\*In addition to travel allowed for attending sessions of the general court, this sum shall include payments as authorized by RSA 14-A:3 except that after a member fails of nomination in a primary election or fails of election or shall have not filed for re-election to his office, no expenses shall be allowed him for out of state travel.



	Fiscal 1974	Fiscal 1975
(b) House:		
Personal services:		
Members	\$ —	\$86,680
Attaches	82,299	232,998
Current expenses	23,000	47,422
Travel — members and attaches	32,835*	505,000**
Equipment and capital improvements	10,000	15,000
Other expenditures:		
Membership fees	1,400	1,400
Legal services and consultants	1,000	1,000
Standing and interim committees	8,000	4,000
Speaker's special fund	500†	500†
Minority leader's special fund	250†	250†
Benefits	7,407	20,413
Total	\$166,691	\$914,663
Estimated source of funds for house:		
General	\$166,691	\$914,663

\*Includes travel and expenses authorized by RSA 14-A:3 (supp)

\*\*In addition to travel allowed for attending sessions of the general court, this sum shall include payments as authorized by RSA 14-A:3 except that after a member fails of nomination in a primary election or fails of election or shall have not filed for re-election to his office, no expenses shall be allowed him for out of state travel.

†To be fully accountable.

Amend section 100 of the bill by striking out said section and inserting in place thereof the following:

100 Increasing the Appropriation for Legislative Post-Audit. There is hereby appropriated to the legislative budget assistant post-audit division, in addition to any other funds appropriated, the sum of \$15,000 for fiscal 1975 for consultants

The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 103 and inserting in place thereof the following:

Transfer of Retirement System Members. Amend RSA 100-A:33-a (supp), as inserted by 1973, 265:1, by striking out in line five the word "April" and inserting in place thereof the word (June) and by striking out in line seven the word "February" and inserting in place thereof the word (May) so that said section, as amended, shall read as follows:

100-A:33-a Additional Transfer of Members. All employees of the other state retirement systems are hereby transferred to the New Hampshire retirement system as of June 30, 1974; provided, however, that no member of said other retirement systems shall be transferred if on or before June 1, 1974 said member shall notify the board of trustees, in writing, of his desire to remain in his original system. Prior to May 1, 1974 the board of trustees shall forward to each member a written explanation of the difference between the two systems, a copy of this act and a form on which to notify the board of his intent to remain in the predecessor system.

Amend the bill by striking out section 104 and inserting in place thereof the following sections:

104 Probate Judges' Costs and Expenses. Amend 1973, 376:11, III, by striking out said paragraph and inserting in place thereof the following:

	1974	1975
III Probate court:		
Salaries of judges,		
registers, and		
deputy registers	\$246,109	\$247,381
Other expenditures:		
Expenses and costs of		
probate judges and		
printing in carrying		
out RSA 547:33, 34 and 35	7,000g	—

Administrative committee of probate courts, consultants	3,000g	—
Benefits	22,150	22,264
	<hr/>	<hr/>
Total	\$278,259	\$269,645
Estimated source of funds for probate court:		
General	\$278,259	\$269,645

105 Administrative Committee of Probate Courts, Consultants. Amend RSA 547 by inserting after section 35 the following new section:

547:36 Administrative Committee, Consultants. The administrative committee of probate courts established under RSA 547:34 is hereby authorized and empowered to employ consultants, within the limits of any appropriation made therefor, to assist the committee in the performance of its duties under this chapter.

106 Footnote Added to Provide For Appropriation Transfer. Amend 1973, 476:41, VI by striking out the lines "Town Road Aid 1,650,000      1,650,000" and inserting in place thereof the following:

Town Road Aid	1,650,000*	1,650,000
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Further amend 1973, 376:41, VI by inserting after said paragraph the following new footnote:

\*Other provisions of law notwithstanding, the Commissioner of Public Works and Highways shall allocate and pay a sum not exceeding \$67,500 from this appropriation not previously allocated to other state municipalities as a state contribution to the City of Portsmouth as a State contribution of 50% of the total estimated cost of constructing a temporary emergency access due to the failure of the Kearsarge Way bridge.

107 Effective Date. This act shall take effect upon its passage.

Sen. Trowbridge

Sen. Green

Sen. Foley

Conferees on the Part of the Senate

Rep. Drake  
Rep. Ferguson  
Rep. Scamman  
Rep. McGinness  
Rep. John B. Goff  
Conferees on the Part of the House

Rep. Drake explained the report.

Committee of Conference report adopted.

Rep. Sweeney wishes to be recorded against the report on HB 1.

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Rep. Schwaner announced that Rep. Ainley has been elected Vice President of the Owls.

Rep. Vesta M. Roy has a new grandson born at 2 p.m. Today.

## RECESS

### SENATE MESSAGE

#### ADOPTION COMMITTEE OF CONFERENCE REPORT

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

#### COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill 11 'An Act to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire Hospital and making appropriations therefor', having considered the same, report the same with the following recommendation:

That the House recede from its position in nonconcurring with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendment to the bill and pass the bill as so amended:

Amend the bill by striking out all after section 8 and inserting in place thereof the following:

9 Hazardous Pay for Prison and New Hampshire Hospital Personnel. Amend RSA 99 by inserting after section 9 the following new section:

99:10 N. H. State Prison and N. H. Hospital. Classified employees at the state prison and the New Hampshire Hospital who are continuously exposed to inmates or forensic patients daily in the normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in the amount of twenty-five dollars per week.

10 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1975 the sum of one hundred seventy-nine thousand four hundred dollars for the purposes of section 9 of this act. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

11 Differential Pay for Institutional Employees. Amend RSA 99 by inserting after section 10 the following new section:

99:11 Differential Pay; Institutional Employees. To the annual salaries of those classified employees at the N. H. Hospital, Laconia State School and Training Center, and the N. H. Youth Development Center who, on a daily basis, are actively engaged in the care and treatment of patients or inmates, shall be added a five dollar per week differential increase. The provisions of this section shall not apply to those employees who receive hazardous duty pay pursuant to RSA 99:10.

12 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1975 the sum of two hundred sixty thousand dollars for the purposes of section 11 of this act. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

13 Certain Unclassified Salaries. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12, as amended, by striking out the lines:

Assistant Superintendent, New Hampshire Hospital	23,000	27,000
Assistant Superintendent for Professional Services	29,000	32,000
Board of taxation, members (3)	15,372	17,294
Commissioner of revenue administration	20,301	25,400
Deputy warden, state prison	13,158	16,486
Executive director, New Hampshire transportation authority	17,000	18,000
Executive director, New Hampshire housing commission	15,000	17,500
Senior physician/psychiatrist	24,000	28,000
Superintendent, New Hampshire Hospital	30,000	32,500
Unit director, New Hampshire Hospital	26,000	30,000
Warden, state prison	20,485	22,484

and inserting in place thereof the following:

Assistant superintendent, New Hampshire Hospital	23,957	28,123
Assistant superintendent for professional services	30,206	33,331
Board of taxation, members (3)	16,011	18,013
Commissioner of revenue administration	21,146	26,457
Deputy warden, state prison	13,705	17,172
Executive director, New Hampshire transportation authority	17,707	18,749
Executive director, New Hampshire housing commission	15,624	18,228
Senior physician/psychiatrist	24,998	29,165
Superintendent, New Hampshire Hospital	31,248	33,852
Unit director, New Hampshire Hospital	27,082	31,248
Warden, state prison	21,337	23,419

14 Payments from Salary Adjustment Fund. For the bien-nium ending June 30, 1975, funds necessary for the implemen-tation of sections 10 and 12 of this act shall be a charge against the salary adjustment fund, RSA 99:4.

15 Effective Date. This act shall take effect June 21, 1974.

Sen. Trowbridge

Sen. Green

Sen. Provost

Conferees on the Part of the Senate

Rep. McLane  
Rep. Gallen  
Rep. Weeks  
Rep. William F. Kidder  
Rep. Belcourt  
Conferees on the Part of the House

Rep. McLane explained the amendment.

(discussion)

Committee of Conference report adopted.

### SENATE MESSAGES

#### ADOPTION COMMITTEE OF CONFERENCE REPORT

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency.

HB 11, to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire Hospital and making appropriations therefor.

### AFTER RECESS

#### COMMITTEE OF CONFERENCE REPORT

SB 9, legalizing special town meetings in Wilmot and Pittsfield; and the Seabrook School District meeting.

(Printed SJ April 2)

Committee of Conference report adopted.

### SENATE MESSAGE

#### DISCHARGE COMMITTEE OF CONFERENCE

HB 5, relative to the office of energy administrator.

The President appointed as new members Sens. Poulsen, Stephen W. Smith and Sanborn.

### CHANGE HOUSE CONFEREES

Reps. Plourde and Duhaime replacing Reps. Cushman and Hildreth on HB 5.

## UNANIMOUS CONSENT

Reps. Elmer L. Johnson and Daniel J. Healy addressed the House by unanimous consent.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

## COMMITTEE OF CONFERENCE REPORTS

The committee of conference to which was referred HB 30, 'An Act relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill', having considered the same, report the same with the following recommendations:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each adopt the following new amendment to the bill and pass the bill as so amended:

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Authorization of Clerical Expenses. Amend 1973, 556:8 by striking out said section and inserting in place thereof the following:

556:8 Appropriation. The sum of one hundred thousand dollars is appropriated to the department of health and welfare, division of mental health for the biennium ending June 30, 1975 to provide for the probate court hearings as provided in RSA 135-B, as inserted by section 1 of this act, and as provided in section 7 of this act. The per diem compensation of probate court judges and attorneys, who represent indigent patients or indigent persons sought to be admitted, the costs to the state and to indigent persons of transcripts or recordings of hearings, the cost of witness fees for indigent patients or indigent persons sought to be admitted, the costs of an examination of indigent persons by a psychiatrist prior to a hearing for involuntary admission, the costs of clerical expenses incurred by the registers of probate, plus other expenses incidental to such hearings, shall be a charge upon the funds hereby appropriated. An attorney for a legal services corporation organized under RSA 292:1-a who represents an indigent patient or indigent person sought to be admitted shall be entitled to the per diem



compensation hereinbefore provided, but no such attorney may receive more than one hundred fifty dollars per case except upon special application to, and approval by, the probate court. The attorney general is authorized to employ one or more consultants to represent the state in accordance with the provisions of this act and the register of probate of Merrimack County is authorized to employ an assistant to handle the additional work attributable to the provisions of this act which shall be a charge upon the funds herein appropriated to the division of mental health. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amend RSA 548:14-b as inserted by section 7 of the bill by striking out said section and inserting in place thereof the following:

548:14-b Merrimack County. The Merrimack county register of probate may employ and deputize an assistant for a specific assignment. Such assistant shall not be subject to the provisions of RSA 548:20 or RSA 94:1.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Legal Counsel for Indigents. Amend RSA 135-B:6 (supp) as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:6 Legal Services; Payment; Appointment. The patient or person sought to be admitted shall pay the costs of the legal services rendered in connection with hearings held pursuant to this chapter. If the patient or person sought to be admitted is not able to pay for counsel, the court shall immediately appoint either a member of New Hampshire Legal Assistance, or its successor organization, or another attorney who shall be compensated for his services at the same rate as appointed counsel in a criminal case heard before the superior court.

9 Effective Date. This act shall take effect upon its passage.

Sen. Porter

Sen. Jacobson

Sen. Bossie

Conferees on the Part of the Senate

Rep. George B. Roberts, Jr.  
Rep. Nighswander  
Rep. McManus  
Rep. Bednar  
Rep. Dudley  
Conferees on the Part of the House

Rep. George B. Roberts, Jr. explained the committee of conference report.

Committee of Conference report adopted.

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SB 23, relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions.

(Printed SJ April 2)

Rep. Hanson explained the committee of conference report.

(discussion)

Committee of conference report adopted.

## SENATE MESSAGE

### ADOPTION COMMITTEE OF CONFERENCE REPORTS

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

SB 9, An Act legalizing: certain special town meetings in Wilmot, Pittsfield, and Salem; 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury and Brentwood; the Seabrook and Gilford school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; the February 19, 1974 postings of March 5, 1974 town and school meetings; and a special town meeting and the 1974 annual town meeting in Enfield.

RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing consolidated grant standards for categorical assistance excluding shelter.

HB 18, requiring local option for siting of oil refineries.

HB 35, providing for twenty years retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

HB 2, making appropriations for capital improvements.

HB 34, relative to energy facility evaluation, siting, construction and operations; providing for a tax on refined petroleum products; and establishing an energy facility study committee.

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

Maurice W. Read  
*For The Committee*

## SENATE MESSAGE

ADOPTION COMMITTEE OF CONFERENCE  
REPORT

SB 23, relative to the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions.

Rep. Arthur F. Mann moved that the committee of conference on HB 5, relative to the office of energy administrator, be discharged and a new committee of conference be established.

Adopted.

The Speaker appointed Reps. Arthur F. Mann, Harry C. Parker, Hager, Roderick H. O'Connor and Joseph L. Cote.

#### COMMITTEE OF CONFERENCE CONFeree CHANGE

HB 5, relative to the office of energy administrator, Rep. Altman replacing Rep. Joseph L. Cote.

#### COMMITTEE OF CONFERENCE CONFeree CHANGE

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances, Rep. Paul McEachern replacing Rep. Hildreth.

Rep. Arthur F. Mann moved that the committee of conference on HB 5, relative to the office of energy administrator, be discharged and a new committee of conference established.

Rep. George E. Gordon spoke in favor of the motion.

(discussion)

Reps. Plourde, Sayer and Curran spoke in favor of the motion.

At the request of Rep. Kenneth W. Spalding, Rep. Curran answered questions.

Rep. Daniell spoke against the motion.

Reps. Stevenson and Simunu spoke in favor of the motion.

Rep. George E. Gordon spoke a second time in favor of the motion.

A division was requested and subsequently withdrawn.

Motion adopted.

The Speaker appointed Reps. Chase, Hager, Daniels, Altman and Plourde.

## RECESS

### AFTER RECESS

#### ENROLLED BILLS AMENDMENT

HB 11, to increase the salaries of classified employees and employees of the university system and the New Hampshire Network and providing differential pay to classified prison employees and correctional psychiatric aides and providing nurses' reclassification at the New Hampshire Hospital and Laconia State School and making appropriation therefor.

Amend section 14 of said bill by striking out the same and inserting in place thereof the following:

14 Deficiency Payments from Salary Adjustment Fund. In the event the appropriations made by sections 10 or 12 or both are not sufficient for the purposes appropriated, any balance needed to fully implement the provisions of RSA 99:10 and 11 shall be a charge against the salary adjustment fund established by RSA 99:4 and said balance is hereby appropriated.

The clerk read the amendment in full.

Adopted.

## RECESS

### ENROLLED BILLS REPORT

HB 33, relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on water supply and pollution control commission.

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency, and making an appropriation therefor.

SB 9, legalizing: certain special town meetings in Wilmot, Pittsfield, Enfield, Salisbury, and Salem: 1974; annual town meetings in Rye, New Castle, Exeter, Salisbury, Enfield, Brentwood, Chester and Bethlehem; the Seabrook, Gilford and Haverhill school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; and the February 19, 1974 postings of March 5, 1974 town and school meetings.

SB 23, relative to the membership of municipal planning boards, conservation commissions and historic district commissions.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public and authorizing bonding therefor; provided that if the 1975 General Court by vote of both houses prior to March 13, 1975 evidences its approval the foregoing authority shall on that date be transferred to the New Hampshire transportation authority and the public utilities commission's authority shall be terminated.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

HB 11, to increase the salaries of classified employees and employees of the university system and the New Hampshire Network and providing differential pay to classified prison employees and correctional psychiatric aides and providing nurses' reclassification at the New Hampshire Hospital and Laconia State School and making appropriations therefor.

Maurice M. Read  
*For The Committee*

#### AFTER RECESS

Rep. Chase explained the committee of conference report on HB 5, relative to the office of energy administrator.

Rep. Daniell moved that the Committee of Conference on HB 5 be discharged and spoke in favor of the motion.

(discussion)

Adopted.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred HB 24, 'An Act permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.', having considered the same report the same with the following recommendation:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each adopt the following new amendment to the bill and pass the bill as so amended.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Replacement Plates. Amend RSA 260 by inserting after section 9 the following new section:

260:9-a Replacement of Motor Vehicle Plates. In the event the director of motor vehicles issues changeable effective date designations, and one or both number plates previously issued to the registered owners, including initial number plates and other special plates, have become damaged, mutilated, illegible or lost, said registered owner may apply in writing to the director for either one or two replacement plates, alleging that said plate or plates are damaged, mutilated, illegible or lost, and if the director finds that the allegation is true, the director shall issue without charge either one or two replacement plates. An application for one or two replacement plates, under this section, shall be considered only once each registration year and only during the period of years that changeable date designations are utilized, in all other cases plate replacement shall be made pursuant to RSA 263:4.

Further amend the bill by striking out all after section 13 and inserting in place thereof the following:

14 Exemption for Town Permit. Amend RSA 260:28 (supp), as amended, by striking out said section and inserting in place thereof the following:

260:28 Exemption of Amputee and Other Disabled Veterans. No fee shall be charged for permit to register a motor vehicle owned by a veteran of world wars I or II, the Korean conflict, or the Vietnam conflict who because of being an amputee, paraplegic or having suffered loss or use of a limb from a service connected cause, as certified by the United States veterans administration, has received said motor vehicle from the United States government or cash settlement in lieu thereof; or because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United States veterans administration to be totally and permanently disabled from such service connected disability.

15 Exemption for State Registration Fee. Amend RSA 262:1, XIII (supp), as amended, by striking out said paragraph and inserting in place thereof the following:

XIII. No fee shall be charged for registering a motor vehicle owned by a veteran of world wars I or II, the Korean conflict, or the Vietnam conflict who, because of being an amputee, paraplegic or having suffered loss or use of a limb from a service connected cause, as certified by the United States veterans administration, has received said motor vehicle from the United States government, or cash settlement in lieu thereof, and no fee shall be charged for registering a motor vehicle with special equipment which said amputee, paraplegic or disabled veteran may acquire to replace one received from the United States government. The provisions of this paragraph shall apply to a veteran who, because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United States veterans administration to be permanently and totally disabled from such service connected disability.

16 Exemption from Operator's License Fee. Amend RSA 262:11, IV (supp), as amended, by striking out said paragraph and inserting in place thereof the following:

IV. No fee shall be charged for an operator's license issued to a disabled veteran who because of being an amputee or a paraplegic, has received a motor vehicle from the United States government. The provisions of this paragraph shall apply to



a veteran who, because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United States veterans administration to be permanently and totally disabled from such service connected disability.

17 Free Parking Privilege. Amend RSA 249:4 (supp), as amended, by striking out said section and inserting in place thereof the following:

249:4 Free Parking. Any motor vehicle carrying special license plates issued to paraplegic, amputee or blind war veterans pursuant to RSA 260:17 and RSA 260:18, and any motor vehicle used for a purpose, or by a person, designated by a city council or town meeting, shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner. The provisions of this section shall apply to a veteran who, because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that veteran is evaluated by the United States veterans administration to be permanently and totally disabled from such service connected disability.

18 Special License Plates. Amend RSA 260:17 (supp), as amended, by striking out said section and inserting in place thereof the following:

260:17 Special License Plates for Motor Vehicles for Amputee, Paraplegic and Totally Disabled Veterans. The director shall furnish without charge for one motor vehicle owned by a veteran who because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States veterans administration to be permanently and totally disabled from such service connected disability, a special license plate. The director shall determine the form, shape and color of said special license plate and shall also determine the information to be contained thereon.

19 Effective Date.

I. Sections 1, 2, 3, 4, 9, 10, 12, 13, 14, 15, 16, 17 and 18 of this act shall take effect on passage.

II. Section 5, 6, 7, 8 and 11 of this act shall take effect January 1, 1975.

Sen. Porter  
Sen. McLaughlin  
**Sen. Roger A. Smith**  
**Conferees on the Part of the Senate**  
Rep. Hamel  
Rep. Conley  
Rep. Akerman  
Rep. Duhaime  
Rep. D'Amante  
**Conferees on the Part of the House**

Rep. Hamel explained the committee of conference report.

Committee of Conference Report Adopted.

#### QUORUM COUNT

Rep. Nighswander requested a quorum count.

287 members having answered, a quorum was declared present.

#### COMMITTEE OF CONFERENCE REPORT

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

(Printed SJ April 2)

Rep. Twigg explained the committee of conference report.

At the request of Rep. Spirou, Rep. Carrier answered questions.

Rep. Bergeron non-spoke against committee of conference report on SB 27.

A division was requested.

It being manifestly in the affirmative, the Committee of Conference Report on SB 27 was adopted.

Rep. Parr wished to be recorded in favor of SB 27.

Reps. Leonard Smith, Underwood, Dudley, Hildreth, and Chambers wished to be recorded against SB 27.

SENATE MESSAGE  
ADOPTION COMMITTEE OF CONFERENCE  
REPORTS

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicle and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

COMMITTEE OF CONFERENCE REPORT

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.

(Printed SJ April 2)

Rep. Sayer explained the committee of conference report.

(Rep. Chase in the Chair)

(discussion)

Reps. Read and Sununu spoke in favor of the committee of conference report.

(Speaker in the Chair)

Reps. Splaine, George E. Gordon and Paul McEachern spoke against the committee of conference report.

Rep. Albert C. Jones spoke in favor of the committee of conference report.

Reps. Harvell, George I. Wiggins, Gerry F. Parker and Hall non-spoke in favor of the committee of conference report.

Rep. Belair spoke in favor of the committee of conference report.

Rep. George E. Gordon requested a roll call.

Seconded by Reps. Harrison, Splaine, DeCesare, Elizabeth E. Goff, Hodgdon, Palfrey, Connors and Webb.

## ROLL CALL

YEAS: 206 NAYS: 83

## YEAS

### MERRIMACK COUNTY:

Kidder, William F., Thompson, Arthur E., Bigelow, Jones, Donald P., Parker, Harry C., Deoss, Hanson, Boucher, Laurent J., Rice, Goff, John B., Bartlett, Perkins, John B., Cushman, Thompson, Doris L., Humphrey, James A., Cate, Andersen, Chris K., Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Rich, Underwood, Wilson, Ralph W., Woodward, Hager, Noble.

### ROCKINGHAM COUNTY:

King, Stimmell, Benton, Boucher, William P., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gibbons, Gorman, Read, Senter, Belair, Campbell, Lemay, Roy, Vesta M., Sayer, Southwick, Sununu, Spollett, Webster, Clarence L., Cummings, Erler, Goodrich, Hoar, Sanborn, Schwaner, Simard, Tavitian, Rogers, Hamel, Akerman, Parr, Smith, Tony, Junkins, Page, Stevens, Elliot A., Ellis, Greene, Hammond, Lockhart.

### STRAFFORD COUNTY:

Tirrell, Joncas, Maloomian, Chasse, Peter N., Tanner, Tibbetts, Thompson, Barbara C., Winkley, Preston, Tripp, Leighton, Bernard, Donnelly, Kincaid, Parnagian, Rowell.

### SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Spaulding, Roma A., Tucker, Burrows, D'Amante, Lewko, Frizzell, Olden, Wiggins, George I.

### BELKNAP COUNTY:

Lawton, Matheson, Wuelper, Bowler, Roberts, George B., Twigg, Pierce, Maguire, Murray, James W.

### CARROLL COUNTY:

Conley, Chase, Claffin.

## CHESHIRE COUNTY:

Johnson, Edward A., Johnson, Elmer L., Ladd, Whipple, Savage, Forcier, Gordon, Anne B., Milbank, Turner, Streeter, Cooke, Close, Nims, Drew, Scranton.

## COOS COUNTY:

Hunt, Burns, Kidder, Victor L., Oleson, Valliere.

## GRAFTON COUNTY:

Curran, Gallen, Fimlaid, Bradley, Richard L., Jones, Anthony K., Mann, Ezra B., Altman, Jones, Albert C., Warren, Roger K., Buckman, Harrison, Bell, Krainak, Bradley, David J., Chambers, Copenhaver, Nutt, Duhaime. Eaton, Myrl R., Symons, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Archambault, Orcutt, Knight, Roy, Antonio J., Perkins, Arnold B., Harvell, Nelson, Van Loan, Bragdon, Coburn, Ferguson, Langdell, Boyd, Hall, Carswell, Dwyer, Geiger, Bergeron, Smith, Leonard A., Currier, Seamans, Ethier, McLaughlin, Cobleigh, Parker, Gerry F., Record, Zechel, Tropea, Woodruff, Cote, Margaret S., Gabriel, Lefebvre, McGlynn, Boisvert, Mason, Daniels, Milne, Zachos, Nardi, Cullity, Healy, Daniel J., McDonough, Clancy, Drewniak, Sullivan, Mary J., MacDonald, O'Neil, Dortha M., Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Gillmore.

## NAYS

## MERRIMACK COUNTY:

Chandler, Enright, Gamache, Gordon, George E., Plourde, Kopperl, Mattice, Wiggin, Elmer S., Daniell.

## ROCKINGHAM COUNTY:

Davis, Roy W., Wilson, Helen F., MacGregor, DeCesare, Goff, Elizabeth E., Brown, Benjamin A., Collishaw, Eastman, Twardus, Scamman, Wolfsen, Maynard, Palfrey, Splaine, Dame, McEachern, Joseph A., Connors, Hodgdon, McEachern, Paul.

## STRAFFORD COUNTY:

Dawson, Harvey, Colby, Dudley, Bouchard, Ruel, O'Connor, Roderick H., McManus.

## SULLIVAN COUNTY:

Rousseau, Brodeur, Scott.

## BELKNAP COUNTY:

French, Marsh, Nighswander, Hood, Hildreth, Randlett, Sabbow.

## CARROLL COUNTY:

Howard, Donalda K., Davis, Dorothy W., Allen, Webster, T. Anne.

## CHESHIRE COUNTY:

Stevens, Anthony, Marshala.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Fortier, Pryor, Brungot, Gagnon, Rebecca, Theriault.

## GRAFTON COUNTY:

Stevenson, Clark, Anderson, Fayne E., Webb.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Mann, Arthur F., Murray, Fred E., Thomson, Harold E., Spalding, Kenneth W., Lyons, Alukonis, Bednar, Rock, Coutermarsh, Erickson, Lebel, Murphy, Spirou, Bruton, Gardner, Taber, Sweeney, Normand.

and Committee of Conference Report on SB 2 was adopted.

## SENATE MESSAGE

ADOPTION COMMITTEE OF CONFERENCE  
REPORT

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.

On motion of Rep. Chase the House recessed until 11:00 a.m. tomorrow.

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicle and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975; and providing certain free motor vehicle privileges to disabled veterans.

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.

Maurice W. Read  
For the Committee

## COMMUNICATIONS

To the Honorable Members of the  
New Hampshire General Court

I have allowed House Bill 37, a bill to repeal the prohibition against hitchhiking and soliciting of rides on some highways in the state, to become law without my signature.

Some 42 Representatives petitioned me to veto the bill. A number of Legislators spoke to me personally, urging a veto. Several law enforcement officials also asked me to veto it.

House Bill 37 and its predecessor in the regular session, both sponsored by Representative Gerry Parker, have had a strange legislative history.

In the regular session a bill to repeal RSA 262-A:38, the hitchhiking statute, passed both houses of the Legislature with little difficulty.

Thereafter the bill which should have gone to the Governor for his action mysteriously disappeared. Although passed by the Legislature it never arrived at the Governor's office.

Some months later it was miraculously discovered in a desk drawer.

The subject matter was reintroduced in the special session as House Bill 37. This was done only with the approval of the powerful Rules Committee.

There was a public hearing on the bill at which no legislator spoke against it. Only one law enforcement official and one state official appeared against the bill.

It literally sailed through both houses for a second time.

Now when it has reached the Governor's desk, I am suddenly urged to veto it by voices of opposition strangely silent until this moment.

Actually, I think this is a poor law. Instead of repealing our hitchhiking statute I believe its scope should be widened and its effect strengthened.

Hitchhikers have been stopped by the police on more than one occasion and found carrying drugs.

Homosexuals are known to have an eye on the make for hitchhikers.

Hitchhiking can and frequently is fraught with danger for both hiker and driver. It definitely should be discouraged. But it never will be if a bill to repeal the prohibition against hitchhiking can with ease negotiate the perilous legislative obstacle course.

A veto would not in this case solve the problem. Only a seriously aroused public can do that by means of an effective educational program.

If hitchhiking is inherently dangerous, as I believe it to be, then we should enact a sound, comprehensive hitchhike law. I am prepared to join forces with all law enforcement branches to achieve such a goal.

But veto of a bill twice passed with only minor opposition is not the way to a good hitchhike law.

Meldrim Thomson, Jr.



To the Honorable Members of the  
New Hampshire General Court

With genuine concern I approve Senate Bill 3. In the regular session I vetoed similar legislation.

This bill provides for a 40 hour work week for law enforcement employees and adds to their annual salary compensation equivalent to 8 hours per week or 416 hours per year.

It applies to liquor investigators, safety inspectors, motor vehicle investigators, probation officers and all law enforcement employees of the Department of Resources and Economic Development.

It will cost the taxpayers of our State an extra \$68,081 per year.

A similar bill passed in the regular session received my veto because it represented special legislation for a small group of recipients. I believe that this kind of legislation should include all state employees, not just a select few.

Since taking office I have pleaded with the Legislature to adopt uniform legislation providing time and a half for all state employees who work 40 hours or more.

Twice in this special session I asked, through my aides, that the Senate consider holiday pay for conservation officers and yet no provision was made for this very worthy segment of our law enforcement arm in the State.

When I called the Legislature into special session it was to take care of a few important emergency matters. This bill does not fall into the category of urgent or emergency legislation. It is unfortunate indeed to add \$68,000 a year to the tax burden carried by our people and then provide only for a small segment of those state employees who deserve time and a half pay when working over 40 hours.

This is piecemeal and pressure legislation. It is unfortunate to enact it and leave undone what should be done for all employees.

I sincerely hope that at the next session the Legislature will exhibit that statesmanship that from time to time flashes brightly across the oft dull pages of its journals; and correct the great

inequity that exists for all state employees who are not yet paid time and a half for all time over 40 hours per week.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I have signed with pleasure House Bill 21, which provides that the State Department of Education may designate and review the standards of non-public schools which will receive state funds.

Never again will the State have to go through the torment of being unable to deal adequately with situations such as the Rivendell School in Loudon in which State money was paying for pupils in the school but the State had no authority to approve or disapprove its educational program.

House Bill 21 also provides for a chancellor to be appointed to supervise the University system. It will provide a more coordinated approach to our three-campus University network at Keene, Plymouth and Durham. This will allow the University presidents to devote their full time to maintaining good educational standards and administration at their respective campuses, while the chancellor will be able to foster cooperation and coordination so badly needed in this time of spiraling education costs.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I am happy to sign SB 26 which provides for retirement benefits for Supreme Court Justices and Superior Court Judges.

Shortly after I assumed office I appointed a Governor's Commission on Court System Improvement under the chairmanship of Superior Court Judge Maurice Bois.

The Commission has worked conscientiously on an in-depth review of the judicial system of New Hampshire. This bill is the first concrete result of the extensive study of the Governor's Commission.

While the Commission has not completed its review of the judicial system in its entirety it felt that there was a real need to provide a retirement system for Supreme Court Justices and Superior Court Judges.

Without a responsible retirement system for our judiciary it will become more and more difficult to attract outstanding lawyers to serve the citizens of this state as judges.

Senate Bill 26 is a constructive piece of legislation that will provide that after age 70 a judge will receive  $\frac{3}{4}$  of his salary and that in the event of his death, that his widow and family will receive  $\frac{1}{2}$  of his annual salary.

I especially commend the Governor's Commission on Court System Improvement for its continuing efforts towards modernizing our judiciary in New Hampshire.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I am happy to sign Senate Bill 12 and thus improve the condition of the approximate 20,000 persons who own mobile homes. With this legislation it should be clear that New Hampshire accepts mobile homes as an integral part of the housing facilities for our people.

In its original form as proposed by Senator Nixon, Senate Bill 12 provided that the Attorney General become involved in the drafting, approval and enforcement of regulations effective in mobile home parks. This proposition was deemed unacceptable by the Attorney General and by tenant and parkowner spokesmen alike. The bill was then completely changed and in its new form marks a significant step forward in this important aspect of New Hampshire's housing market.

In its totally amended form it adjusts the mobile homeowner's "bill of rights" so-called, by requiring park owners to plainly post the law and all of their regulations, which under the present law must be reasonable. The new bill strengthens the rules protecting tenants while restoring incentives for the development of good mobile home parks to meet the housing needs of our citizens.

The combined support of tenants and park owners is especially gratifying since it marks a new era of mutual progress towards better housing for the people of New Hampshire.

Meldrim Thomson, Jr.

## RECESS

House Clerk's Office

### PROCEDURES FOR BILL HANDLING FOLLOWING FINAL ACTION

1. Final action by both bodies.
2. Presented to Secretary of State for enrolling.
3. From Secretary of State to Office of Legislative Services for enrolling process.
4. Following technical process bill is returned to Secretary of State.
5. Secretary of State prepares report for the committee on enrolled bills.
6. If an enrolled bills amendment is required, the Office of Legislative Services prepares the enrolled bills amendment and report. After both houses have adopted the amendment the bill is returned to the Office of Legislative Services for final enrolling process. After process is completed, bill is returned to Secretary of State for the preparation of the report of the enrolled bills committee.
7. In the case of an enrolled bills report, a member of the committee in each house signs the report for his respective house.
8. In all cases the reports are distributed simultaneously. In the event of an enrolled bills amendment, the joint committee on enrolled bills offers the enrolled bills amendment to the last house to have possession for adoption and then to the second house for adoption.
9. Both houses must adopt the enrolled bills committee report.

10. After each house has adopted the enrolled bills report the clerk of each house notifies the Secretary of State.
11. The Secretary of State shall present the bill to the clerks of each house for docketing and to the presiding officers of both houses for signature.
12. Secretary of State presents bill to Governor for action and messages the date and time of the presentation to the clerks of both houses.
13. Governor takes action on bill and returns to Secretary of State.
14. Secretary of State messages the date and time of bill's return to him and the action by the Governor to the clerks of both houses.
15. The clerks of both houses will cause to be printed in the journal the reports sent by the Secretary of State.

BILLS PRESENTED TO THE GOVERNOR  
ON MARCH 28, 1974

SB 7, relative to capital improvements to the Mount Washington summit and making an appropriation therefor.

SB 26, providing for retirement benefits for supreme and superior court justices.

SB 31, authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds.

SJR 3, establishing a committee to study highway safety and motor vehicle weight, length and width requirements.

BILLS SIGNED BY THE GOVERNOR:

April 1, 1974

HB 27, relative to amending certain provisions of the Off Highway Recreational Vehicle Law, RSA 269-C.

HB 32, relative to the commission and taxes on pari-mutuel pools at dog tracks.

BILL ENACTED IN ACCORDANCE WITH ARTICLE 44, Pt. II OF THE N. H. CONSTITUTION, WITHOUT SIGNATURE OF GOVERNOR, April 2, 1974.

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

## BILLS PRESENTED TO THE GOVERNOR

April 3, 1974

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

HB 2, making appropriations for capital improvements.

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing consolidated grant standards for categorical assistance excluding shelter.

HB 11, to increase the salaries of classified employees and employees of the university system and the New Hampshire Network and providing differential pay to classified prison employees and correctional psychiatric aides and providing nurses' reclassification at the New Hampshire Hospital and Laconia State School and making appropriations therefor.

HB 18, requiring local option for siting of oil refineries.

HB 24, permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicle and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975; and providing certain free motor vehicle privileges to disabled veterans.

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public and authorizing bonding therefor; provided that if the 1975 General Court by vote of both houses prior to March 13, 1975 evidences its approval the foregoing authority shall on that date be transferred to the New Hampshire transportation authority and the public utilities commission's authority shall be terminated.

HB 33, relative to the Winnepesaukee River Basin Control and providing for continuation of the study committee on water supply and pollution control commission.

HB 34, relative to energy facility evaluation, siting, construction and operations; providing for a tax on refined petroleum products and establishing an energy facility study committee.

HB 35, providing for twenty years retirement for members of group II under the New Hampshire Retirement System, permitting the transfer of members of the New Hampshire Firemen's Retirement System and of the New Hampshire Policemen's Retirement System into the New Hampshire Retirement System and making an appropriation therefor.

SB 2, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.

SB 9, legalizing certain special town meetings in Wilmot, Pittsfield, Enfield, Salisbury, and Salem: 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury, Enfield, Brentwood, Chester and Bethlehem; the Seabrook, Gilford and Haverhill school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings and the February 19, 1974 postings of March 5, 1974 town and school meetings.

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency, and making an appropriation therefor.

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

SB 18, providing additional cost of living increases for retired members of the N. H. Teacher's Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change.

SB 23, relative to the membership of municipal planning boards, conservation commissions and historic district commissions.

SB 27, to better protect the safety of New Hampshire citizens and law enforcement officers by changing penalties for homicide in certain circumstances.

On motion of Rep. Hanson the House adjourned at 11:55 a.m. to meet Thursday, April 11 at 10:00 a.m.

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### *Thursday, 11Apr74*

The House met at 11:00 o'clock.

(Deputy Speaker in Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord our God, on this last day of this Special Session, hear our prayers and bless us. May the task accomplished be a sign of hope for men and give You fitting praise.

We pray also for our country. Guide it through these difficult times and bring it to new heights of accomplishment.

Through Christ Our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Hanson led the Pledge of Allegiance.



## LEAVES OF ABSENCE

Reps. Goodrich, Chris K. Andersen and Nims, the day, important business.

Rep. Mabel L. Richardson and Donalda K. Howard, the day, illness.

## COMMUNICATIONS

To the Honorable Members of the  
New Hampshire General Court

I am signing today House Bill No. 1, the Supplemental Operating Budget, providing additional appropriations for the fiscal years 1974 and 1975.

This Supplemental Operating Budget appropriates \$4,103,-314. It provides, primarily, for the deficits which would occur in the various departmental and agency budgets due to the energy crisis. It is a reasonable figure in view of the severe dislocations that inflation and energy shortages have caused in many of our state budgets.

I commend Representative Arthur Drake, Chairman of the Appropriations Committee and his colleagues for preparing a no-nonsense, sensible supplemental budget for the State of New Hampshire.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I am signing House Bill No. 2, that provides for the Capital Budget for the State of New Hampshire for the fiscal years 1974, and 1975.

This bill would raise, for capital improvements, \$27,413,-900.

While this bill appropriates approximately \$7,000,000 less than the capital budget which I vetoed last year, the allocations for capital improvements in this and companioned bills such as the Mt. Washington, Railroad, and Port Authority would carry the total capital appropriations to a figure slightly higher than that proposed by the legislature last year.

There are a number of bad practices and features in House Bill No. 2. The most glaring of these are as follows.

1. This bill authorizes 30 year bonds for financing parts of it. For the state to resort to 30 year financing at the present high cost of interest rates is a very poor and uneconomical practice. It means that future citizens of New Hampshire will be paying for the unthrifty habits we practice today.

2. This bill perpetuates what seems to be a growing practice on the part of the legislature to preempt executive responsibility heretofore exercised by Governor and Council as the elective representatives of the executive branch. For example, section 23 of the bill confers on a joint committee on legislative facilities authority for remodeling or construction of the old Post Office building. Section 24 of the bill does the same for the construction of a legislative parking facility. I believe it to be a bad practice to bypass Governor and Council in the construction of any state buildings. If the contracts for legislative facilities are not to be reviewed by Governor and Council, as is the general practice with all state facilities and thus serve as a salutary check on the legislative branch, this practice might someday lead to unfortunate results.

3. It is unfortunate that House Bill No. 2 continues to overemphasize the construction of facilities on the University campus to the neglect of the urgent need for state buildings by our various departments and agencies. The state now pays over a million dollars a year in rent alone for office space scattered all over Concord and to a lesser degree in other parts of the state.

4. The bill appropriates more than two million dollars for many dormitories on the University campus. It is said by some that this expense would be so self-liquidating because the rentals from the use of the dormitories would eventually wipe out the indebtedness. I would point out that this kind of financing is nothing less than issuing a letter of credit to the University for future expenditure. The money never comes back to the General Fund.

Further, I am very much opposed to building any further facilities on the University campus until the Gay Problem can be resolved satisfactorily. There are, however, several bright features to the capital budget.

I am delighted that it provides for an urgently needed

new facility at the Soldiers' Home. Also, I am very pleased that the automobile addition for the Nashua VocTechnical School and the health addition for the Claremont VocTechnical School are included in this bill. The bill also carries with it \$15,000 for a feasibility study for snowmaking machinery at Sunapee State Park.

The legislature has had an opportunity to carefully re-examine capital budget items as a result of my veto of the excessively high capital budget of last year. While this is far from a perfect budget bill, it is one that we can live with. Progress for our state requires that I sign this bill despite it's several unfortunate features.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I am signing Senate Bill No. 18 which provides for a cost of living increase for the retired personnel of our state.

This bill will cost the State of New Hampshire for the fiscal years 1974-75 \$1,867,100. State officials estimate that in the next biennium this figure will rise to approximately 2½ million and then begin to taper off. To enact a bill such as Senate Bill No. 18 is one of the reasons why I called the legislature into special session. I believe that there is an urgent need to provide some relief for the retirees of our state system from the spiraling costs of inflation. I am pleased that the legislature has responded to this need.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I am signing House Bill No. 34 which is the refinery bill.

This bill had strong support in both houses of the legislature which indicates that the representative of the people do want a refinery in the State and have responded to the need for more energy for our people by enacting a bill that balances the concerns of the environmentalists for the need for the production of more energy.

There was an attempt made in the Senate to require that any offshore unloading facility be sited 20 miles out to sea. This would have sounded the death knell to any attempt to attract a refinery for New Hampshire. Fortunately, wise counsel on this issue prevailed and this proposal was dropped in the negotiations at the conference committee level.

I am also signing the related refinery bill namely, House Bill 18, requiring local option for siting of oil refineries.

In it's final form, House Bill 18 simply reiterates what the legislature had earlier indicated should be the policy with respect to siting refineries in New Hampshire; namely, that Home Rule should be the determining factor as to the location of a refinery in a given town.

Meldrim Thomson, Jr.

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*To the Honorable Members of the  
General Court*

I have decided to allow House Bill 4 to become law without my signature.

I take this step with great reluctance because I have serious questions about this legislation and it's impact on our staggering welfare problem.

Although the bill provides a version of the flat grant we need so badly to reduce our astounding overpayment and fraud rates, it unfortunately retains some of the features which has resulted in New Hampshire having an overpayment rate of 40.9%. This is the highest overpayment rate in the nation for AFDC cases.

By removing shelter costs from the flat grant, the bill has destroyed efforts to base payments to recipients on an equitable basis.

In addition, the bill retains the much abused special circumstances in the area of shelter costs. Because the root cause still exists, we can still see abuses in moving, purchaes, furniture, and similar things.

I believe the gravity of this situation and the disastrous effects it can have on our state budget have escaped many and have been intentionally hidden by others.

The fact is, we stand to lose a large amount of federal money if we do not reduce our overpayment and fraud rates. The federal government has taken a no-nonsense approach to this problem and New Hampshire stands to lose more in proportion than other states.

The real effect of HB 4 may not be to reduce the Division of Welfare's anticipated \$2.9 million loss, but to place New Hampshire, in some cases, among the top ten states in the size of per capita of welfare payments.

As can be seen from the attached table the number of case loads in the previous 10 years has almost doubled. Since the biennium of 70-71, this State has added over 10,000 new case loads to our welfare program roles.

The total overall division of the welfare appropriations has increased from a \$21 million level in the 64-65 biennium to a \$91 million level in the biennium of 72-73.

This bill for the biennium of 74-75 provides for a total of \$119 million (+) for our welfare programs.

The increase in the biennium General State Fund expenditures has risen from \$6 million in 64-65 to an horrendous level of this bill for 74-75 of over \$39.5 million.

#### DIVISION OF WELFARE APPROPRIATIONS

64-65	6,178,522	15,126,133	21,304,655	12,599	
66-67	8,781,655	16,790,268	25,571,923	12,804	(+205)
68-69	12,583,411	24,545,548	37,128,959	13,597	(+793)
70-71	16,896,309	37,548,965	54,445,274	18,079	(+4,482)
72-73	28,281,676	62,643,179	90,924,855	24,372	(+6,293)
74-75	39,636,178*	80,220,465*	119,856,643*	—	

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(+11,773)

*Includes		GENERAL	FEDERAL	TOTAL
	Contingent Liability	3,804,717	6,220,887	10,025,604
HB3	Food Stamp	1,353,918	432,253	1,786,171
HB4	AFDC Supp. Grants	641,476	1,048,842	1,690,318

It is these types of considerations which dictated my decision to allow the bill to become law without my signature.

Meldrim Thomson, Jr.

To the Honorable Members of the  
New Hampshire General Court

I have signed House Bill 11 which provides for a salary increase of \$520 per year for all state employees effective June 21, 1974. This will cost the State during the next fiscal year \$4,303,626.

I was glad to sign the bill in view of the continued erosion of employees salaries due to inflation and despite the substantial pay increase voted by the Legislature at the regular session.

With this increase plus the pay increase for state employees last year, it is my belief that state employees have received within a twelve month period the highest pay increase in many years.

House Bill 11 unfortunately contains a number of discriminatory provisions which will create unrest with our state employees.

I believe it important that our Legislature begin work now for a fair sensible and equitable pay bill that will treat all state employees doing similar work on an equal basis. As a guide for such a study I call attention to the following discriminatory provisions of House Bill 11.

1. The bill discriminates between employees at the Soldiers' Home and Home for the Elderly and those at Laconia State School and Training Center, New Hampshire Youth Development Center and the New Hampshire Hospital, inasmuch as employees actively engaged in the care and treatment of patients at the latter three institutions in addition to receiving the \$520 that all state employees receive, will receive an additional \$5.00 a week or \$260 per year. This means that an attendant at the New Hampshire Hospital taking care of elderly patients will receive \$5.00 a week more than the same attendant at the Home for the Elderly performing identical duties.

Further discrimination is made inasmuch as Custodial, Dietary, Grounds and Trades personnel are not included. Plumbers are upset because they have to work on wards where there are patients while performing their trade whether it be on an elderly patient ward or in the forensic unit.

2. Hazardous duty pay was confined to the State prison and

the forensic unit at the New Hampshire Hospital. No consideration was given to law enforcement personnel, such as Fish and Game Conservation Officers for whom we asked for holiday pay.

3. A Correctional Psychiatric Aide II, salary grade 10, at the New Hampshire Hospital will receive \$25 more per week or \$1,300 per year than the base pay of a Conservation Officer Trainee, also salary grade 10. It also means that this same Correctional Psychiatric Aide II will make \$20.68 more per week than the base pay of a Trooper Trainee, salary grade 11.

4. Last November the Nurses at the New Hampshire Hospital asked for salary grade increases. With the passage of this bill, a Psychiatric Nurse I will be within approximately 50c per week of what she would have received had a two salary grade increase been authorized.

5. Many employees are upset because other employees received more than they. This means that the Department of Personnel will become besieged with requests for upgrading. It will naturally follow, also, that the morale and work output of state employees will drop.

a. It should certainly also follow that as vacancies occur at Laconia State School and Training Center, personnel at the Soldiers' Home, especially Nurses and Attendants, who are only a few miles distance, will request transfers in order to receive higher salaries yet doing similar work.

b. What about the Home for the Elderly that is located in an extremely remote area of the State. It is difficult enough as it is to recruit and retain but with higher state salaries at other institutions it will cause even more difficult personnel problems for the Home.

Meldrim Thomson, Jr.

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To the Honorable Members of the  
New Hampshire General Court

I have tried to weigh carefully all of the implications involved if I permit Senate Bill 17, relating to the Port Authority, and House Bill 31, pertaining to railroads, to become law without my signature.

Each of these bills contains bad features. If allowed to become law, each should be corrected the next time the Legisla-

ture meets. Always there is the possibility that another Legislature will not undo the faulty work of a predecessor.

Yet each bill does contain kernels of progress in areas in which the State sorely needs to move forward.

Thus, in order to move ahead with long overdue programs for the Seacoast and for our languishing rail system, it is necessary to accept the high ratio of chaff in each of these bills to be able to utilize the kernels.

Because I consider these bills bad in part and potentially dangerous to the State if allowed to go uncorrected in the next Legislature, it is incumbent upon me that I delineate the shortcomings of each and describe the overriding reasons why I am permitting each to become law.

I am allowing Senate Bill 17 and House Bill 31 to become law without my signature to emphasize my strong disapproval of provisions in each that should be revised or removed and my disappointment that certain good provisions were not included.

### SENATE BILL 17, THE PORT AUTHORITY

For too long, the development of our great port at the mouth of the Piscataqua and the potential of our smaller ports has been neglected.

I campaigned on a promise to work for an expansion of the dock facilities of the Port Authority and was greatly disappointed when a good bill to carry out this commitment failed in the Regular Session last year.

Since then a new membership on the Port Authority has substantially improved the image of the Authority in the port area and is working hard to cooperate with local authorities to develop a viable partnership for progress.

It is important that these small but promising beginnings be encouraged. They must not be allowed to deteriorate into adversary positions.

I believe that we should expand our docking facilities in Portsmouth so that we can accommodate three freighters at a time. It is estimated that this will take a bond issue of about \$2.5 million. In time, warehouse and cold storage facilities should also be built.



The Port Authority dock facilities can and should eventually be on a self-sustaining basis, including a reasonable revenue contribution to the City of Portsmouth.

I am confident that the port has a great potential for growth in the next decade. This should be encouraged and wisely directed by the Authority and City working together.

In the politicking that shaped Senate Bill 17, a bond authorization was lost. I sincerely hope that the 1975 Legislature will provide for such a bond authorization.

Senate Bill 17 carries an appropriation for a port feasibility study which is to be completed by December of this year. I hope that such a study will provide the information needed to encourage the Legislature to authorize expansion of the dock facilities next year.

The bill also provides \$25,000 for a much-needed fence around the dock area.

In addition, by this bill, the State in a very concrete manner indicates its support and concern for our fishermen by authorizing the construction of a \$375,000 commercial fishing pier and docking facility in the City of Portsmouth and a \$350,000 fishing pier and recreational boating facilities in Hampton harbor.

If there are excess funds after the construction of the Hampton facility, such funds are to be used similarly in Rye harbor.

These projects for our fishermen are highly desirable. They are long overdue. Consequently, in order to be helpful to our fishermen, I am letting Senate Bill 17 become law even though it did not carry a bond authorization for the Port Authority.

Section 8 of Senate Bill 17 is highly objectionable and almost persuaded me to veto the bill. This section prevents the Authority from taking any positive action regarding on- or off-shore facilities connected with processing of oil or liquefied natural gas from now until July 1, 1975.

However, the need for such action in connection with any refinery project during the proscribed period is remote. Further, if such need should arise before July 1, 1975, the Regular Session of the Legislature that meets next January could lift this temporary restriction at an earlier date.

I have concluded that, despite its shortcomings and faults, Senate Bill 17 is a progressive step forward on behalf of our commercial fishermen. Hence, I shall let it become law without signature.

### HOUSE BILL 31 — RAILROADS

During the progress of House Bill 31, through the Legislature, I worked diligently to channel its operative features into the Transportation Authority instead of placing it under the regulatory wings of the Public Utilities Commission.

This aspect of the bill raises, in my view, serious constitutional questions.

Furthermore, it temporarily takes away from the Authority an important part of its overall supervision of mass transportation and places it in a Commission that has shown no leadership in resolving the rail problems of our State.

In addition, it would authorize a bond issue of \$4 million which, if fully executed, would place the State squarely in the railroad business.

We have already seen how costly and inefficient railroading under the Federal government can be. It would be even more so under a State operation.

It would mean that all of our taxpayers would be contributing to the purchase and maintenance of a rail service that would benefit directly the rail users and only indirectly the members of the public.

On the other hand, New Hampshire would suffer an economic catastrophe if we lost the operation of half of our lines as presently proposed by the Department of Transportation.

It was under the cloud of fear that just such a disaster might strike our rail users that House Bill 31 was passed.

The bill itself provides certain assistance that might be invoked if disaster befalls our rail system. While I do not believe that these aids will be needed before the Legislature again meets in regular session, I can recognize the desirability of having them available on a stand-by basis for the balance of this year.

Under the terms of the bill, there is very little that the Public Utilities Commission can do without the approval of

Governor and Council. Hence, we do have an important check on PUC that can prevent State socialization of the rail system.

As a standby measure and a safeguard against abandonment of any rail service now serving industry, I will let House Bill 31 become law without my signature.

This, I hope, will give immediate reassurance to all rail users that the State will wage a vigorous fight against abandonments and for long-range improvements in our rail system.

To develop a constructive rail project as an integral part of a sound mass transportation program, I shall encourage the Transportation Authority to move with all possible speed to obtain rail expertise. I shall encourage the Public Utilities Commission to work closely with the Authority.

I shall also appoint a Governor's Committee of rail users to encourage the private sector to work with the State, through the Authority and Commission, to insure that we use effectively all of the statutory tools and programs available to us for keeping the trains rolling in New Hampshire.

I am grateful for the strong and wise efforts of Representative Ernest Coutermarsh in helping to revise provisions of House Bill 31, which, if passed by the Legislature in its original form, would have provoked an inevitable veto. His long experience and vast knowledge of our rail system is a great resource which I certainly hope to be able to tap for the benefit of our State.

Meldrim Thomson, Jr.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILL

SB 33, legalizing the authorization of bonds by the town of Durham.

### SUSPENSION OF RULES

Rep. Hanson moved that the rules be so far suspended as to allow the introduction of a bill received from the Senate after the deadline, to dispense with printing, committee reference, hearing and report, and to place the bill on third reading and final passage at the present time.

The bill being SB 33, legalizing the authorization of bonds by the town of Durham.

Rep. Hanson explained his motion.

Rep. Chandler requested a division.

It being manifestly in the affirmative, motion adopted by the necessary two-thirds.

Third reading and final passage

SB 33, legalizing the authorization of bonds by the town of Durham.

Rep. Doris L. Thompson wished to be recorded against SB 33.

### COMMUNICATION

The townspeople of Hampstead, N. H., cordially invite you to attend an "Open House" for — Doris M. Spollett — Sunday — April 21st — 2:00 to 5:00 P.M. Hampstead Congregational Church — Main Street, Hampstead, N. H.

Over 50 Years of Serving the Community

Schoolteacher

N. H. Senator

Representative to the General Court

Selectman — 27 Years

### RESOLUTION

Reps. Brungot, William Boucher, Carter, Conley, Duhaime, Enright, Hammond, Harvey, Hebert, Hunt, Migneault, Palfrey, P. Robert Thibeault, Sweeney, Vey, White and Wuelper offered the following resolution.

### RESOLUTION

*Whereas*, there are several members of the House whose burdens of physical disability have been lightened immeasurably by the considerate ministrations of a particular state employee, and

*Whereas*, those said members by this resolution ask their fellow members to join them in recognizing the consideration received from that individual, and

*Whereas*, Thomas J. Roy, New Hampshire's one-man Capitol Police Force, has been the ever alert guardian of the parking facilities assigned to physically limited members, therefore be it

*Resolved*, by the House of Representatives assembled, that its entire membership does recognize and honor the diligent and persuasive but firm administration of those facilities by Tom Roy, and be it further

*Resolved*, that a copy of the above resolutions be transmitted to Thomas J. Roy.

Unanimously Adopted.

Rep. Nelson moved that the Committee on the Journal, after checking with the Committee of Conference on HB 11, to increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the New Hampshire Hospital and making appropriations therefor, consider removal of the statement of intent by the Committee of Conference in the Journal of 2 April, and subsequently withdraw his motion.

The Speaker instructed the Journal committee to review the suggestion and take whatever action they deem necessary.

Reps. George B. Roberts, Jr., Coutermarsh, O'Connor and Bigelow offered the following resolution:

## HOUSE RESOLUTION

### RELATIVE TO CIRCULAR A-70

*Whereas*, the federal Office of Management and budget has proposed implementation of Circular No. A-70, entitled "Policies and Guidelines for Federal Credit Programs", which would preclude local governments from issuing tax-exempt bonds to finance programs and facilities receiving federal assistance; and

*Whereas*, state and local governments traditionally have employed tax-exempt financing for municipal programs and facilities; and

*Whereas*, local governments rely heavily on federal assistance for financing municipal programs and facilities; and

*Whereas*, implementation of Circular No. A-70 would significantly and adversely affect the ability of the state of New Hampshire and its political subdivisions to finance higher education facilities, medical care facilities, sewer, water and pollution control facilities, highway and mass transit facilities urban renewal and public housing projects, and privately owned low-and-moderate-income housing funded by the state and by municipalities; and

*Whereas*, over a year ago, the attempt to implement Circular No. A-70 resulted in immediate and vigorous opposition by state and local governments and national interest groups, such as the National Governors' Conference, the Municipal Finance Officers' Association, and the National League of Cities/Conference of Mayors; and

*Whereas*, implementation of Circular No. A-70 would constitute direct federal intervention in, and substantial control of, debt management of the state of New Hampshire and its municipalities, and would result in severe curtailment of the volume of tax-exempt financing, as the state and local governments would be unable to utilize it with respect to a project whose financial feasibility depends upon federal assistance; and

*Whereas*, Circular No. A-70 proposes an undesirable means of accomplishing public policy and has massive implications for public finance throughout the country; and

*Whereas*, there exist no feasible financial alternatives to replace the combination of tax-exempt municipal financing and federal assistance to provide state and local facilities; and

*Whereas*, it has come to the attention of the New Hampshire House of Representatives that the Office of Management and Budget is planning specific action with respect to implementation of Circular No. A-70 in the near future; now, therefore, be it

*Resolved* by the House of Representatives of the state of New Hampshire, That the House of Representatives of the state of New Hampshire communicates its strong opposition to the implementation of Circular No. A-70 to the President of the United States and to the Director of the Office of Management and Budget; and

*Further Be It Resolved*, That the Speaker of the House transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Office of Management and Budget, to the Speaker of the House of Representatives, and to each Senator and Representative from New Hampshire in the Congress of the United States.

Rep. Roberts explained the resolution.

(discussion)

Rep. Horan moved that the resolution be referred to an interim study committee to be appointed by the Speaker and spoke in favor of his motion.

Reps. Drake, Plourde, Coutermarsh and D'Allesandro spoke against the motion.

Motion lost.

Resolution adopted.

The Speaker announced that Rep. Bell has informed him that he will not be returning for another session.

Reps. Drake and Coutermarsh paid tribute to Rep. Bell for his years of service in the House.

Reps. Dame and Sara M. Townsend moved that the remarks of Reps. Drake and Coutermarsh be printed in the Journal.

Adopted.

The Chair: The Dean of the House, Rep. Kenneth Bell, is not going to be returning to the House and after some consideration I decided to stretch the rules of the House to let in a few remarks. I don't know if they are for or against Ken, they did not commit themselves.

The Chair recognizes Rep. Arthur Drake.

Rep Drake: Mr. Speaker, I generally come before you bearing tidings of gloom and despair, but this morning I think is a little different. With all good references to the deaconess of this institution, in my books there has always been a dean around the legislature. I have served on a committee with him; I have been privileged to serve as chairman on the committee on which he serves; and I have always been struck by the fact

that Ken Bell is a pretty imperturbable character, rarely ever shook by what happens around them because no matter how bad it is, and it generally is, and he has seen it before, and probably a little worse. His one line quips in committee I wish had been taped and recorded over the years, because they would have been worth recording for posterity. When everything gets pretty solemn and somber around the place you can always rely on Ken with his quick dry wit to do something to relieve the tension. Frankly, I think Ken Bell is an institution by himself. I have enjoyed his company and I love him like a father. I am sorry to see him go because he retains the clarity of mind which all of us hope that we will have at his age. The state of New Hampshire owes Ken Bell a debt of gratitude which few of you recognize for the dedication he has given to New Hampshire over all of the years he has served in this Legislature, and if this is a farewell then let me say that if everyone went out in as grand a shape as he is going to go out then we would all be blessed.

Rep. Coutermarsh: Mr. Speaker, I don't want to let this be strictly a republican affair because of my long association with Ken Bell, and our many deliberations in this house. I have forgotten exactly how long he has been here, but I guess its thirty years or more that he, to my mind, represented the best in the people that have come down here to serve this state as members of a citizen legislature. I worked closely with him when I was a former resident of Lebanon, as a member of the Grafton County Delegation, and I never can remember when it ever mattered to this man what your party affiliation happened to be. In those days, outside of George McGee and myself, there were not too many Democrats on the delegation, and we learned to have a very high respect for the fairness of this gentleman. It is with a sad sense of parting on my part, and the rest of the democrats in this house, and the house members as a whole that we have to accept at last that you will not be coming back. Good luck.

Rep. Gardner offered the following resolution.

#### HOUSE RESOLUTION

*Whereas*, Rev. Joseph Y. Beaulieu of Goffstown has faithfully served as Chaplain of the House of Representatives for this past session; and



*Whereas*, Rev. Beaulieu is the first Catholic priest who has filled the position of Chaplain for the House; and

*Whereas*, his inspired leadership has helped this body to perform its duties;

*Now Therefore Be It Resolved* by the House of Representatives, that Rev. Joseph Y. Beaulieu be commended for his efforts in guiding the House during his service as its Chaplain; and

*Further Be It Resolved*, That the House extends to Rev. Beaulieu its sincere wishes for continued success; and

*Further Be It Resolved*, That a copy of this resolution be given to Rev. Beaulieu.

Adopted.

### LEGISLATIVE BILL STATUS SYSTEM

The Automated Legislative Bill Status System is being demonstrated for the General Court today for several reasons:

1. To show the membership how the effective use of electronic data processing *can* ease the administrative burden of bill status tracking and reporting.

2. To show the membership the latest data processing methods available for creating, maintaining and accessing large files of information.

3. To show the membership an example of the results of interstate cooperation in the data processing area by demonstrating a program designed and developed by the State of Maine and operating from the CDP system in New Hampshire.

The demonstration program was used with great success throughout the Special Session of the Maine Legislature and *that data base* is loaded on the CDP computer at 1 Pillsbury Street. The information displayed is from the Maine session and may, therefore, have some foreign terminology, e.g., HP vs HB, SP vs SB (Paper vs Bill); but the legislative concepts and procedures are for the most part identical to those of New Hampshire.

You may inquire of the system from the terminal at almost any level of definition — by subject matter (3 levels), by docu-

ment number, or by Bill number. Bulk printouts are available by Committee and by sponsor, and that type inquiry will be available at the terminal in the future. The information retrieved is correctable or changeable from the terminal. The system has total flexibility in accessing and reporting the pertinent data. Copies of bulk report samples are available for your review.

Through cooperative effort with our sister state of Maine, and Honeywell Information Systems, the program is running on the New Hampshire CDP computer. It needs only minor changes in terminology to be usable here and will be available whenever the Legislature deems it advisable. Were we to start anew and develop such a system for the State of New Hampshire, it is estimated that the cost would exceed \$100,000.

The only cost involved to utilize the system you are seeing here today will be the day-to-day cost of operation, i.e., the computer time, communications, the terminals and terminal operator personnel. That cost will depend upon the number of terminals installed and the volume of special reports and printouts required. In any case, the cost should be offset by a significant increase in efficiency of legislative administration and a reduction in clerical effort and administrative lead time for all concerned.

We are deeply indebted to the State of Maine and Mr. David Smith, the Director of Data Processing, for the opportunity to present this demonstration to you. Further credit is due:

Honeywell Information Systems — Software and Engineering support

GTE Information Systems — Communications Modems

Department of Safety — Terminal Equipment

Arthur T. Hill

Director

Department of Centralized  
Data Processing

RECESS

AFTER RECESS

## ENROLLED BILLS REPORT

SB 33, legalizing the authorization of bonds by the town of Durham.

Maurice W. Read  
*For The Committee*

## SUSPENSION OF RULES

Rep. George B. Roberts, Jr. moved that the rules of the House be so far suspended as to introduce a bill after the deadline, dispense with printing, committee reference, hearing and report and to place the bill on second reading, the bill being HB 40, providing for additional pay and overtime pay for nurses at New Hampshire hospital, Laconia state school and training center, the New Hampshire youth development center, the New Hampshire home for the elderly, and the New Hampshire veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers.

Rep. Roberts explained his motion.

(discussion)

Rep. Roberts yielded to Rep. Drake to answer questions.

## POINT OF ORDER

Rep. George E. Gordon rose on a point of order.

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Reps. Daniell, Spirou and Coutermarsh spoke in favor of the motion.

Rep. Bednar spoke against the motion.

Reps. Cotton, Mary J. Sullivan, Bernard, Elizabeth E. Goff, Tarr, Schwaner, Gallen, Rich, and Tony Smith non-spoke in favor of HB 40.

Reps. Nelson, Boisvert and Meserve moved the previous question.

Sufficiently seconded.

Rep. Chandler requested a division.

It being manifestly in the affirmative by more than the necessary two-thirds the motion carried.

Rep. Drake offered an amendment.

### AMENDMENT

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Appropriation for Overtime for Conservation Officers. Amend 1973, 376:33, III, (a) as amended by 1974, 40:85 by striking out the line "Other 1 1" and inserting in place thereof the following ( Other — 25,000 ).

4 Deletion of Provisional Appropriation for Overtime for Conservation Officers. Amend 1973, 376:33, as amended by 1974, 40:85, by striking out the fourth (being the last) paragraph of the footnote to the line appropriating the total for the fish and game department and inserting in place thereof the following (Provisions of RSA 206:36 shall be suspended for the biennium ending June 30, 1975.)

The clerk read the amendment in full.

Rep. Drake explained his amendment.

Amendment adopted.

Ordered to third reading.

Rep. Chris K. Andersen wished to be recorded in favor of HB 40.

### SUSPENSION OF RULES

Rep. Boisvert moved that the rules of the House be so far suspended as to place HB 40 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 40, providing for additional pay and overtime pay for nurses at New Hampshire hospital, Laconia state school and training center, the New Hampshire youth development cen-

ter, the New Hampshire home for the elderly, and the New Hampshire veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers.

### RECONSIDERATION

Rep. Coutermarsh moved reconsideration on HB 40.

Reconsideration lost.

### SUSPENSION OF RULES

Rep. Belair moved that the rules be so far suspended as to allow the introduction of a bill after the deadline and to place the bill on second reading, the bill being HB 39, relative to the homeowners' exemption law.

Rep. Belair explained his motion.

Rep. George E. Gordon spoke against the motion.

(discussion)

Reps. Harvell, Albert C. Jones, Orcutt, Hall, Read, Sara M. Townsend, George I. Wiggins, Sununu and Gorman spoke in favor of the motion.

Reps. Gerry F. Parker, Dupont, Maynard, Beaulieu, Spirou, Twigg and Elizabeth E. Goff spoke against the motion.

Reps. Fred E. Murray, Nutt, Bowler, D'Amante, Elmer E. Johnson, Edward A. Johnson, Symons, Hough and Duhaime non-spoke in favor of the motion.

Reps. Fortier, Bossie and Daniell non-spoke against the motion.

Reps. Parnagian and Palfrey requested a division.

120 members having voted in the affirmative and 175 in the negative, suspension of the rules failed.

### RECONSIDERATION

Rep. George E. Gordon moved reconsideration.

Reconsideration lost.

## SENATE MESSAGE

## CONCURRENCE

HB 40, providing for additional pay and overtime pay for nurses at New Hampshire hospital, Laconia state school and training center, the New Hampshire youth development center, the New Hampshire home for the elderly, and the New Hampshire veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers.

## RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 40, providing for additional pay and overtime pay for nurses at New Hampshire hospital, Laconia state school and training center, the New Hampshire youth development center, the New Hampshire home for the elderly, and the New Hampshire veterans' home, and making an appropriation therefore; and making an appropriation for overtime pay for conservation officers; and providing for increases in classified salaries for recruitment.

Maurice W. Read  
*For The Committee*

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILL

SB 34, to provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons seventy years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and providing for an election between the homeowners' exemption and the elderly exemption.

Rep. George B. Roberts, Jr. moved that SB 34 be laid on the table.

Adopted.

## BILLS SIGNED BY THE GOVERNOR

April 2, 1974

HB 7, permitting municipalities to establish, acquire, maintain and operate public transportation facilities in cooperation with governmental units of adjoining states; permitting broader cooperation in furnishing of municipal services; and permitting cities and towns to appropriate money for group homes.

HB 13, repealing the termination date of RSA 357-B.

HB 17, increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor.

HB 21, relative to the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education, supervisory union accounting of federal funds and establishing the office of chancellor of the university of New Hampshire system.

HB 36, permitting the sale of milk in three quart containers.

SB 3, changing the compensation of certain state law enforcement employees and fees of witnesses.

SB 4, relative to penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 7, relative to capital improvements to the Mount Washington summit and making an appropriation therefor.

SB 8, relative to the distribution of testate property following waiver of a will by surviving spouse and relative to the form of notice given for termination of parental rights.

SB 12, to further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

SB 20, providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

SB 22, establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

SB 24, authorizing cities and towns to grant franchises for cable television systems.

SB 26, providing for retirement benefits for supreme and superior court justices.

SB 31, authorizing the cities of Berlin and Keene to acquire, develop and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds.

SJR 3, establishing a committee to study highway safety and motor vehicle weight, length and width requirements.  
April 5, 1974

HB 1, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes.

HB 2, making appropriations for capital improvements.

HB 18, requiring local option for siting of oil refineries.

HB 24, permitting the use of changeable effective date designations such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975; and providing certain free motor vehicle privileges to disabled veterans.

HB 29, relative to tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of twenty-one; and providing for educational and other expenses in public institutions.

HB 30, relative to the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill.



HB 33, relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on water supply and pollution control commission.

HB 34, relative to energy facility evaluation, siting, construction and operations; providing for a tax on refined petroleum products; and establishing an energy facility study committee.

SB 9, legalizing: certain special town meetings in Wilnot, Pittsfield, Enfield, Salisbury and Salem; 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury, Enfield, Brentwood, Chester and Bethlehem; the Seabrook, Gilford, and Haverhill school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; and the February 19, 1974 postings of March 5, 1974 town and school meetings.

SB 10, establishing a sire stakes program and a standard-bred breeders and owners development agency, and making an appropriation therefor.

SB 18, providing additional cost of living increases for retired members of the N. H. Teachers' Retirement System, the N. H. Policemen's Retirement System, the N. H. Firemen's Retirement System, the N. H. Retirement System and the State Employees Retirement System, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change.

SB 23, relative to the membership of municipal planning boards, conservation commissions and historic district commissions.

April 8, 1974

HB 11, to increase the salaries of classified employees and employees of the university system and the New Hampshire Network and providing differential pay to classified prison employees and correctional psychiatric aides and providing nurses' reclassification at the New Hampshire Hospital and Laconia State School and making appropriations therefor.

April 15, 1974

HB 40, providing for additional pay and overtime pay for nurses at New Hampshire hospital, Laconia state school and training center, the New Hampshire youth development center, the New Hampshire home for the elderly, and the New Hampshire veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers; and providing for increases in classified salaries for recruitment.

SB 33, legalizing the authorization of bonds by the town of Durham.

BILLS ENACTED IN ACCORDANCE WITH  
ARTICLE 44, PART II OF THE NEW HAMPSHIRE  
CONSTITUTION WITHOUT SIGNATURE  
OF GOVERNOR

April 2, 1974

HB 3, relative to establishment of a food stamp program and making an appropriation therefor.

HB 37, to provide for the repeal of the law tending to prohibit hitchhiking.

SB 11, establishing a state historic preservation office and making an appropriation therefor.

April 9, 1974

HB 4, providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing consolidated grant standards for categorical assistance excluding shelter.

HB 31, authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public and authorizing bonding therefor; provided that if the 1975 General Court by vote of both houses prior to March 13, 1975 evidences its approval the foregoing authority shall on that date be transferred to the New Hampshire transportation authority and the public utilities commission's authority shall be terminated.

SB 17, relative to the New Hampshire Port Authority, the construction of fishing facilities at Portsmouth, Hampton and

Rye harbors, and the location of marine science docking and related facilities for the university of New Hampshire and making an appropriation therefor.

### INTERIM COMMITTEE APPOINTMENTS

**HB 2** (Chapter 38, Section 23) Legislative Facilities Committee. (Chapter 368, Laws of 1973).

Sen. Stephen W. Smith; Rep. James E. O'Neil, Sr. or his designee; Rep. George B. Roberts, Jr.; Sen. Frederick A. Porter; Rep. Ernest R. Coutermarsh; Sen. Eileen Foley; Sen. Roger A. Smith; Rep. Esther M. Davis; Sen. C. Robertson Trowbridge and Rep. Sumner A. Raymond.

**HB 2** (Chapter 38, Section 30) Electronic Roll Call Committee. (Chapter 592, Laws of 1973).

Reps. James E. O'Neil, Sr., George B. Roberts, Jr., Ernest R. Coutermarsh, Arthur F. Mann and Arthur M. Drake.

**HB 14**, revising the management-employee relations law for state employment.

Collective Bargaining Sub-Committee (Labor, Human Resources and Rehabilitation).

**HB 25** (Chapter 9), changing the reporting date for the study commission on the problems of unemployed citizens in New Hampshire.

Sens. Robert F. Bossie, David H. Bradley and Stephen W. Smith. Reps. Robert B. Buckley, Paul H. Simard and Peter C. Hildreth. Patricia Merrill, Concord; Theodore Caras, Dover; Benton Demers, Concord.

**HB 26**, relative to guaranteeing a minimum adequate income for the elderly, blind and disabled; and making an appropriation therefor.

Reps. Skinner, Carswell, McGlynn, Vesta M. Roy, Barbara C. Thompson and Daniell.

**HB 33** (Chapter 41, Sections 3 and 4), relative to the Winnepesaukee River Basin Control; and providing for continuation of the study committee on water supply and pollution control commission.

Sens. Bossie, Gardner and Brown.

Reps. Claffin, John H. Tilton, Ladd, Oleson, Harriman, Kenneth W. Spalding Jr., and Kopperl.

Nelson Maine, Hillsborough and H. Thomas Urie, New Hampton. (Third member to be appointed)

**HB 34** (Chapter 39, Section 5), relative to energy facility evaluation, siting, construction and operations; providing for a tax on refined petroleum products; and establishing an energy facility study committee.

Sens. Preston and Bradley.

Reps. George B. Roberts, Jr., Greene and Coutermarsh.

One member from the Southeast Regional Planning Commission.

Assoc. Prof. Richard Mills, Durham; Dr. Louis H. Klotz, Durham; and Dr. Paul E. Bruns, Durham.

Frederick D. Goode, Bedford and Atty. William Craig, Manchester.

**HB 34** (Chapter 39, Section 6) Energy Facility Tax Study.

Senate Ways and Means and Administrative Affairs and House Ways and Means.

**HCR 2**, establishing a joint committee to study the railroad conditions and related matters in the state of New Hampshire.

Reps. John Hoar, Jr., Chairman, Bigelow, Hunt and Anthony Stevens.

Sen. Claveau.

**HCR 7**, establishing a joint committee to study federal funding from the Administration on Aging.

Reps. Read, George B. Roberts, Jr., and Roderick H. O'Connor.

Sens. Blaisdell and Downing.

**HOUSE RESOLUTION** referring section 2 of Senate Bill 23 relative to consolidation of regional planning commissions. House Municipal and County Government.

**SB 1**, providing for open and honest political campaigns in New Hampshire by requiring greater accountability and full disclosure of campaign contributions and expenditures; and protecting party loyalty by disqualifying defeated primary candidates from being nominated by petition under certain circumstances.

House Statutory Revision.

**SB 13**, establishing a combined horse and dog racing commission.

Senate Ways and Means and Administrative Affairs.

**SB 15**, transferring permanent state prison employees from group I of the New Hampshire Retirement System to group II or from the State Employees' Retirement System to group II, and making an appropriation therefor.

Fiscal Committee.

**SB 16**, expanding the definition of "industrial facility" under the industrial development authority to include post-secondary educational facilities.

Senate and House Education.

**SB 21**, establishing a commission on children and youth.

House Public Health and Welfare.

**SB 22** (Chapter 22), establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette Regional School District and Bethlehem School District.

Sens. Jacobson and Green. Reps. D'Allesandro, Raymond and Copenhaver. Dr. Louis Vaccaro, New London; Dr. Leo Redfern, Keene; Dr. Jere Chase, Dover.

**SB 28**, to establish standards of care and treatment of alcoholics, intoxicated persons and drug dependent people.

House Public Health and Welfare.

**SJR 3** (Chapter 27), establishing a committee to study highway safety and motor vehicle weight, length and width requirements.

Sens. Poulsen, Lamontagne and Downing.

Reps. Arthur F. Mann, Bigelow, Parnagian, Duhaime and Cushman.

Keith Vaskelionis, Nashua, Peter DeCato, Lebanon, (Third member to be appointed.)

The commissioner of public works and highways, or his designee.

The director of motor vehicles, or his designee.

The manager of the New Hampshire Division of the American Automobile Association, or his designee.

The attorney general, or his designee.

The chairman of the highway safety commission, or his designee.

The director of legislative services, or his designee.

**SCR 1**, referring the question of reclassification of certain highway in the town of Clarksville to a joint legislative committee.

Senate Public Works and Transportation and House Public Works.

**SCR 2**, referring the question of compensation for the town of Gorham to a joint legislative committee.

Senate Public Works and Transportation and House Public Works.

**SENATE RESOLUTION** establishing an interim committee to study oil companies and other energy suppliers.

Sens. Porter, Chairman, Jacobson and Bossie.

## ANNOUNCEMENT

Rep. Raymond replaces Rep. Weeks on the Fiscal Committee.

On motion of Reps. George B. Roberts, Jr., Coutermarsh, Chase and Drake the House adjourned at 6:59 p.m.

## APPENDIX

The following statement was given to the House on March 20, 1974 by Rep. Arthur M. Drake and was by error omitted from the Journal although referred to in debate on that day.

Mr. Speaker, in order to keep the House properly advised as to their deliberations on the fiscal conditions of the State and the bills which lie before it, I have today prepared for you four reports, and I ask that they all be inserted in the Journal as an official document and report, so that there will be a clear record of our position.

I would like to start with a comparative estimate of Unrestricted Revenues dealing with 1974 and 1975, based on an actual eight months of delivery of revenue in this current fiscal year. We reviewed every one of the agencies involved, on an item-by-item and agency-by-agency basis. The report which I have before me represents the official position of the Appropriations Committee on March 13th, in adopting the estimates of revision of revenue for 1974 and 1975, and we commend these to any future Committees of Conference dealing with subjects before this Session.

The estimates show on the basis of an eight months' actual delivery, our adoption of a two million dollar increase in revenue in 1974 fiscal year over the official Committee of Conference Report on which the budgets were based in the last regular session.

Based on the indefinite picture which we are still facing in regards to the downturn of traffic on our roads, we did not use that as a basis for projecting our figures, but reviewed again with the best information we had from the agencies involved, with the LBA staff, and our final determination for recommendation, a million nine downward revision in 1975 from the Committee of Conference Report of July 16 of '73. In effect, we have been that close to the estimates of revenue that this recommendation provides a \$122,000 increase in the estimates of revenue from those used by the final Committee of Conference on the budget in 1973. We feel, and I have backup information which indicates the support of these estimates — there are some areas in which we differ. This document will show you where those differences are. They represent the department's position on March 12th of this year, the Appropriations Committee's

adoption on that particular line. I would hope that I could get this inserted as a permanent part of the Journal, so that you may review them, and if there are subsequent questions you want to bring before this Floor and have the Committee answer any questions, we will be happy to.

Having established what we consider to be a reasonable and legitimate base against which to measure the spending programs of the State, we have then revised first the Fish and Game Fund and its budgets and potential spending. We have, in fact, as you may have reviewed in House Bill 1, reduced the authority or the appropriation for Fish and Game to spend by over \$300,000, because of a downturn in revenue, particularly in the non-resident sales. We have adopted and the Department concurs with new estimates of revenue for the Fish and Game Fund for 1974 of \$2,365,000, and for 1975 fiscal year \$2,405,000. This represents a downturn of \$348,000 from the Committee of Conference estimates of Fish and Game funds in 1973.

Against that, we have measured the budget which was revised and submitted in the form of House Bill 1, plus the provision for payment back into the Retirement System of the Fish and Game obligation of \$109,000, plus provisions for Workmen's Compensation payments, which are now set up so that they are paid on a regular basis, instead of an annual deficit basis, and we estimate that the unappropriated surplus of the Fish and Game Fund on June 30, 1975, at the end of the bien-nium, will be \$164,200. Against that, the potential for spending in this Session is that portion of the Fish and Game Fund which will be covered in the salary pay bill. My recollection of that is that it is approximately \$136,000, which would, in fact, leave the Fish and Game Department virtually at a zero balance in June 30, 1975, where once again their lapses from their appropriations would be their balance.

In adopting the revenues relating to the Highway Fund, I must confess that we have a difference of opinion between the LBA's Office, the Appropriations Committee, and the Department of Safety and the Highway Department. The Department of Safety, who are charged with the collection of the taxes levied under Gasoline Road Toll and Motor Vehicle Fees, concur with Committee recommendations. The Highway Department differs in the field of Motor Vehicle Fees and Gasoline Road Tolls. We feel that ours are the accurate and reasonable con-



clusions that can logically be drawn. What these do reflect is a downturn in revenue, and we have restructured the Highway budget in House Bill 1 accordingly, that it was a downturn which we handled by revision of the entire budget of \$9.6 million in the biennium dealing with the Highway funds.

The major change has been the Motor Vehicle Fees, where we now have concurrence by the Safety Department that they were a million two hundred thousand dollars low in the estimates which we adopted last June, based on the Department's estimates in the Motor Vehicle Fees. This has been an offset against the loss of Highway Funds Gasoline Tax which would enable them to maintain their budget level. One major area of change actually occurred after we left here July 1st, because of the change of federal matching with the State, whereby they are now funding at a 70% level on Primary Road Reconstruction and Interstate, instead of the old 50-50 in the Primary Road Reconstruction. This allowed us to reduce Highway's commitments to those programs by five million dollars in this budget.

Secondly, we took out 2.8 million dollars of previously authorized construction and reconstruction, and half a million dollars of Equipment, to bring their budget into reasonable balance against available funds. As this report will show you when you have a chance to examine it, we are projecting that the estimated surplus in the Highway Fund as of June 30, 1975 will be \$1,943,000. The potential charges against that exist only in the form of the salary bill and the mileage bill, which total between them \$1,300,000, which would leave an estimated surplus of \$643,000 at the end of the biennium for the Highway Fund.

The next one is, of course, the most difficult one, because it involves so many things, and that is the General Fund. This report, which will be printed in the Journal, reflects the estimates of revenue as presented by the Appropriations Committee and approved by the Appropriations Committee, which show that in 1974 we started the fiscal year with an unappropriated surplus of 21.2 million dollars. We add revenues for estimated unrestricted revenue of \$126 million and federal revenue sharing of \$6.4 million, and deduct the debt service of four million and the reimbursement to the Towns and Cities of 21 million. We come up with an estimated revenue available for expendi-

ture in 1974 of 107 million dollars, 21 million dollar surplus, or \$128 million, and if we take away from that the legislative specials during the 1973 Session and the Operation Budget, which was enacted in Chapter 376, it shows that we would end the year on July 1st of this year, for fiscal 1974, of 20.1 million dollars as the estimated surplus.

We go to the fiscal year 1975 and do the same exercise which shows unrestricted revenue of \$129 million and federal revenue sharing of \$6.5 million, less the debt service and the reimbursement to locals, which grows at the rate of 1.1, 1.2 and 1.3 million dollars a year. We would end up with estimated funds available for Operating Expenditures of \$108,860,000 plus the 20 million dollars surplus, for \$129,000,000. Deduct from that the legislative specials and the operating budgets, and the surplus that you all have been hearing and discussing that we were considering when we came into Special Session would still rest at 13.8 million dollars. From that point forward, this report would show what proposed spending there is in 1974 fiscal year in House Bills already passed into the Senate, Senate Bills already passed into the House of \$1,175,000 and for 1975 of House Bills passed into the Senate and Senate Bills passed into the House of \$10,797,000. I think we can give you a little better revision of total on that by going to a fiscal explanation of the potential surplus expenditures. If we started with an estimated surplus on July 1st of 1975 of the 13.8 million dollars, deduct from that the AFDC Contingency Fund which was in the last budget, I am sure you are aware that Governor and Council authorized expenditure against that footnote of \$1,750,000 either last week or the week before, to maintain. That is a firm commitment against that surplus. There also remains a 21 million dollar liability against that program for the balance of 1975 which we feel has to be taken off that surplus not available to spend for other purposes.

Deduct further the loss of Department of Resources and Economic Development revenue for this past season of \$650,000. You get down at that point to 8.4 million dollars. Then if you deduct less House Bills passed to the Senate of \$10,092,000, you, at that point, in reference to the 13.8 million dollars, will have overexpended by a million six. Less Senate Bills passed to the House of \$2,880,000, and you get a balance of expenditure level above the 13.8 million estimated as available of \$4,494,000. In

effect, what you are then permitting if all of these bills passed, is that much money out of the surplus of lapses and adjustment for lapses.

I have before me a review of the lapses in 1970, 71, 72 and 73, and these are by Comptroller public statements of \$4,863,000 for 1970. These are the lapses and adjustments for lapses. For 1971, which is the second year of the biennium, 5.955 million dollars. For 1972, a 3,316,000 lapse. For 1973, a 4,970,000 lapse. Which leads us up to the final position of in previous years and previous discussions using two and one-half million dollars as the estimate of lapses which would be the surplus, and at this point I am perfectly willing to accept and defend on what has actually been performed by a review of the Salary Adjustment Fund. The Salary Adjustment Fund in the last biennium, for the two-year period, showed a lapse of a million eight hundred thousand. For the first eight months of this fiscal year the Salary Adjustment Fund stands at 1.4 million dollars. There has been a very substantial increase. I'm sure you are all aware that this is primarily connected with the Executive Orders which prevented the spending of money which was previously appropriated for both Equipment and Personnel.

It is my firm opinion that an estimated lapse of five million dollars for 1974 and four million dollars for 1975 is a completely justified estimate of availability of funds through lapses, which would give for the biennium a nine million dollar lapse figure. In essence, all the bills and all of the proposed spending would then reduce this proposed lapse position by one-half, so that if everything passes as it now stands, there would be an estimated surplus from lapses of 4.5 million dollars at the end of the biennium, and the final note of caution I would have to add because I think that if you do what I have done and do a simple arithmetic reduction in these pages, 1974 and 1975 fiscal years, I have to advise you, you can do it yourself, but I think the factual presentation is there, that in 1975 fiscal year, if all bills passed, this legislature will be embarked on a spending program of 20 million dollars in excess of its actual revenue. Regardless of where the money comes from, from lapses or from surplus, you will actually be approving spending twenty million dollars in excess of your actual revenue for 1975.

## HOUSE JOURNAL

### SUBJECT INDEX

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The abbreviations listed below are used in this Subject Index:

adop	adopted
am	amended, amendment (s)
res	resolution

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To find a bill by its subject, see the Subject Index immediately preceding this Numerical Index.

All matters not contained in bills or resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

<b>adop</b>	adopted
<b>am</b>	amended, amendment (s)
<b>Approp</b>	referred to Appropriations committee
<b>com</b>	committee
<b>conc</b>	concurred
<b>conf</b>	conference, referred to committee of conference
<b>enr</b>	enrolled
<b>Fiscal com</b>	referred to Fiscal committee
<b>intro</b>	introduced
<b>IP</b>	indefinitely postponed
<b>K</b>	killed
<b>LT</b>	laid on table
<b>nonconc</b>	nonconcurred
<b>psd</b>	passed
<b>RC</b>	roll call
<b>re</b>	relative to, relating to
<b>recon</b>	reconsideration
<b>rej</b>	rejected
<b>rep</b>	report
<b>S</b>	Senate
<b>S Ct opin req</b>	Supreme Court opinion requested
<b>Study</b>	referred to a study committee
<b>withd</b>	withdrawn, withdrew

#### HOUSE BILLS

**HB 1** Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975 and making other budgetary changes. (Drake of Coos 3)  
4, am 86-152, recon rej 164, psd 169, nonconc S am, conf 309, 319, 352, rep adop 387, 388-396, enr 404, sent to governor 422-423 signed 426, 449 (Chapter 40)

**HB 2** Making appropriations for capital improvements. (Mann of Hil. 3, Raymond of Ches. 12)  
4, am & Approp 63-74, am 202-218, psd 220, nonconc S am, conf 290, 319, rep adop 358-375, enr 404, sent to governor 423, signed 426-428, 449, com members appointed 451 (Chapter 38)

**HB 3** Re establishment of a food stamp program and making an appropriation therefor. (D'Allesandro of Hil. 34 et al)  
4, Approp 48, am 152-153, recon rej 164, psd 169, S conc 292, enr 293, sent to governor 348, enacted without signature 352-354, 422 (Chapter 14)

See also Subject Index preceding this index

**HB 4** Providing supplemental grants to families with dependent children and making an appropriation therefor. (Brungot of Coos 8 et al)

**First new title:** Providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing flat grant payments for categorical assistance.

**Second new title:** Providing supplemental grants to families with dependent children and making an appropriation therefor and authorizing consolidated grant standards for categorical assistance excluding shelter.

4, am & Approp 47-48, am 153-154, recon rej 164, psd 169, nonconc S am, conf 324, 336, rep adop 357-358, enr 403, sent to governor 423, enacted without signature 429-430, 451 (Chapter 48)

**HB 5** Establishing an emergency energy authority and making an appropriation therefor. (Coutermarsh of Hil. 24, LaRoche of Str. 11)

**New title:** Re the office of energy administrator.

4, am & Approp 74-77, am 189-190, psd 195, nonconc S am, conf 308, 318, new conf 400, 404, 2d new conf 405, conf discharged 407 (K)

**HB 6** Providing overtime pay for certain classified state employees, and making an appropriation therefor. (Noble of Mer. 21)

4, K 24

**HB 7** Permitting municipalities to establish, acquire, maintain, and operate public transportation facilities in cooperation with governmental units of adjoining states and permitting broader cooperation in furnishing of municipal services. (Chambers of Graf. 13 et al)

**New title:** Permitting municipalities to establish, acquire, maintain, and operate public transportation facilities in cooperation with governmental units of adjoining states; permitting broader cooperation in furnishing of municipal services; and permitting cities and towns to appropriate money for group homes.

4, am 40-41, psd 51, nonconc S am, conf 252, recon, conc S am 274, enr am 306-307, enr 335, sent to governor 349, signed 447 (Chapter 15)

**HB 8** Permitting the election of delegates to national party conferences. (Hildreth of Bel. 7, Orcutt of Hil. 8)

4, K 28

**HB 9** Increasing the debt limit for the Londonderry school district. (Boucher of Rock. 3)

4, am 24, psd 31, enr 86, S conc 196, signed 291 (Chapter 2)

**HB 10** Providing for a special license to hunt pheasants; and authorizing the director of fish and game to implement a buck law on a county, town, city, or area basis with the approval of the fish and game commission. (Maynard of Rock. 18 et al)

5, K 42, recon rej 50

**HB 11** To increase the salaries of state classified employees and non-exempt employees of the university system and providing differential pay to classified prison employees and making appropriations therefor. (Coutermarsh of Hil. 24 et al)

**First new title:** To increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the N.H. state hospital and making appropriations therefor.

**Second new title:** To increase the salaries of state classified employees and employees of the university system and providing differential pay to classified prison employees and correctional psychiatric aides at the N.H. hospital and making appropriations therefor.

**Third new title:** To increase the salaries of classified employees and employees of the university system and the N.H. network and providing differential pay to classified prison employees and correctional psychiatric aides and providing nurses' reclassification at the N.H. hospital and Laconia state school and making appropriations therefor.



- 5, am & Approp 24-26, am 164-168, psd 169, nonconc S am, conf 308-309, 318, rep adop 397-399, enr am 405-406, enr 407, sent to governor 423, signed 431-432, remarks 438, signed 450 (Chapter 47)
- HB 12** Conforming tax commission references in the current use taxation law to the revised revenue administration laws. (Nutt of Graf. 13)  
5, psd 60-61, 84, S conc 252, enr 253, sent to governor 291, signed 351 (Chapter 7)
- HB 13** Repealing the termination date of RSA 357-B (Murray of Bel. 9)  
5, psd 61, 84, S conc 313, enr 335, sent to governor 349, signed 447 (Chapter 20)
- HB 14** Revising the management-employee relations law for state employment. (Coutermarsh of Hil. 24)  
5, Study 61, 451
- HB 15** Re redistricting the ward lines of the city of Laconia. (Huot of Bel. 6, Hildreth of Bel. 7)  
5, am 170-173, psd 195, conc S am 236, enr 253, sent to governor 291, signed 351 (Chapter 8)
- HB 16** Permitting public accountants to form a professional association. (Plourde of Mer. 7)  
**New title:** Permitting public accountants and registered professional nurses to form professional associations.  
5, psd 28-29, 31, conc S am 236, enr 253, sent to governor 291, signed 351 (Chapter 10)
- HB 17** Increasing the mileage rate for all state employees using privately owned passenger vehicles and making an appropriation therefor. (O'Connor of Str. 15, Hildreth of Bel. 7)  
5, am & Approp 26-27, am 154-155, recon rej 164, psd 169, conc S am 309, enr 335, sent to governor 349-350, signed 448 (Chapter 16)
- HB 18** Requiring local approval prior to approval of site plans for oil refineries. (Dudley of Str. 4)  
**New title:** Requiring local option for siting of oil refineries.  
5, am 190-191, psd 195, nonconc S am, conf 288, 307, 318-319, rep adop 382-383, enr 403, sent to governor 423, signed 449 (Chapter 36)
- HB 19** Increasing the amount of political expenditures authorized for candidates in primary and general elections seeking the office of governor, U.S. senator, representative in congress, governor's councilor, county officer, state senator or representative to the general court. (McLane of Mer. 16, Chandler of Mer. 3)  
5-6, psd 42-43, 51, S conc 233-234, enr 234, sent to governor 250-251, veto message & SO 276-279, 292, veto sustained (RC) 309-313
- HB 20** Increasing the interest rate of housing authority bonds. (Bigelow of Mer. 3)  
6, psd 50, 51, S conc 233, enr 234, sent to governor 251, signed 291 (Chapter 4)
- HB 21** Re the duties of the state board of education and prohibiting the expenditure of public moneys in non-public schools unless said schools have program approval by the department of education. (French of Bel. 1)  
**New title:** Re the duties of the state board of education and prohibiting the expenditures of public moneys in non-public schools unless said schools have program approval by the department of education, supervisory union accounting of federal funds and establishing the office of chancellor of the university of N.H. system.  
6, am 32-33, psd 51, conc S am 319-320, enr 336, sent to governor 350, signed 418-419, 448 (Chapter 28)

See also Subject Index preceding this index

**HB 22** Establishing a critical lands commission; providing for the classification of certain land areas of the state as critical and making an appropriation therefor. (Claflin of Car. 4 et al)  
6, K (RC) 34-38

**HB 23** Continuing present city of Somersworth's elected officials in office until next regular election and electing constitutional convention delegates from old wards; and permitting the city of Rochester to hold a referendum to abolish the police commission and amend its charter. (Meserve of Str. 7, La-Roche of Str. 11)

**First new title:** Continuing present city of Somersworth's elected officials in office until the next regular election and electing constitutional convention delegates from old wards.

**Second new title:** Continuing present city of Somersworth's elected officials in office until the next regular election, and legalizing the election of delegates to the constitutional convention from the old wards of said city.

6, am & psd 38-39, conc S am 202, enr 234, sent to governor 251, signed 291 (Chapter 5)

**HB 24** Permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; and exempting certain functions re motor vehicles and highways from the provisions of the administrative procedures act. (Hamel of Rock. 11, Woods of Rock. 22)

**First new title:** Permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions re motor vehicles and highways from the provisions of the administrative procedures act; and exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975.

**Second new title:** Permitting the use of changeable effective date designations, such as decals, on all motor vehicle and boat registration plates; authorizing the governor and council to establish temporary speed laws; exempting certain functions relative to motor vehicles and highways from the provisions of the administrative procedures act; exempting the department of fish and game from procedural requirements of their rule making under Title XVIII, until June 30, 1975; and providing certain free motor vehicle privileges to disabled veterans. 6, am 77-81, psd 84-85, nonconc S am, conf 324-325, 341, rep adop 407-410, 411, enr 415, sent to governor 423, signed 449 (Chapter 45)

**HB 25** Changing the reporting date for the study commission on the problems of unemployed citizens in N.H. (Hildreth of Bel. 7 Simard of Rock. 9)  
6, psd 61, 84, S conc 252, enr 253, sent to governor 291, signed 351, com members appointed 451 (Chapter 9)

**HB 26** Re guaranteeing a minimum adequate income for the elderly, blind, and disabled, and making an appropriation therefor. (Spiro of Hil. 27, Plourde of Mer. 7)  
6-7, Study 61-62, com members appointed 451

**HB 27** Re carrying a loaded pistol on an OHRV, as defined in RSA 269-C. (Gorman of Rock. 4)

**New title:** Re amending certain provisions of the off highway recreational vehicle law, RSA 269-C.

7, am 81-84, psd 85, S conc 288, enr 306, sent to governor 348, signed 352, 422 (Chapter 12)

**HB 28** Authorizing Franklin Pierce College to grant the degree of juris doctor. (French of Bel. 1)

7, am 29-30, psd 31, enr 86, S conc 196, signed 291 (Chapter 3)

**HB 29** Re tuition payments for the definitions of handicapped persons under the age of 21 and amending the appropriation for same. (French of Bel. 1)

**First new title:** Re tuition payments for the definitions of handicapped persons under the age of 21 and amending the appropriation for same and educational expenses in public institutions.

**Second new title:** Re tuition payments for handicapped children; amending the appropriation for same; defining a handicapped child as a person up to the age of 21; and providing for educational and other expenses in public institutions.

7, am & Approp 33-34, am 62-63, psd 84, nonconc S am, conf 308, 318, rep adop 355, 356-357, enr 403-404, sent to governor 423, signed 449 (Chapter 37)

**HB 30** Re the civil commitment procedures in the probate courts and detention and discharge procedures for the mentally ill. (Roberts of Bel. 4, Currier of Hil. 15)

7, psd 41-42, 51 conc S am 293, enr 306, recalled, nonconc S am, conf 340, rep adop 400-402, 403, enr 407, sent to governor 423, signed 419 (Chapter 46)

**HB 31** Authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public, and making an appropriation therefor. (Hoar of Rock. 8 et al)

**New title:** Authorizing the public utilities commission to acquire, as agent of the state, such railroad properties within the state deemed to be necessary for continued and future railroad operation for the benefit of the public and authorizing bonding therefor; provided that if the 1975 general court by vote of both houses prior to March 13, 1975 evidences its approval the foregoing authority shall on that date be transferred to the N.H. transportation authority and the public utilities commission's authority shall be terminated.

7, am & Approp 48-50, am 162-164, psd 169, nonconc S am, conf 328, 340, 352, rep adop 383-387, 388, enr 406-407, sent to governor 423-424, enacted without signature 432-433, 435-436, 451 (Chapter 49)

**HB 32** Re the commission and taxes on pari-mutuel pools at dog tracks. (Coutermarsh of Hil. 24)

7, am 191-193, psd 195, S conc 288, enr 306, sent to governor 348, signed 354-355, 422 (Chapter 13)

**HB 33** Re the Winnepesaukee River Basin Control. (Roberts of Bel. 43)

**First new title:** Re the Winnepesaukee River Basin Control; and providing for continuation of the study committee on the water supply and pollution control commission.

**Second new title:** Re the Winnepesaukee River Basin Control; and providing for continuation of the study committee on water supply and pollution control commission.

7, am & Approp 43-46, am 155-158, recon rej 164, psd 169, nonconc S am, conf 293, 319, rep adop 381-382, enr 406, sent to governor 424, signed 449, com members appointed 451-452 (Chapter 41)

**HB 34** Re energy facility evaluation, siting, construction, and operations and providing for a tax on refined petroleum products. (Roberts of Bel. 4, Coutermarsh of Hil. 24)

**New title:** Re energy facility evaluation, siting, construction, and operations; providing for a tax on refined petroleum products; and establishing an energy facility study committee.

7, (division I) am (RC) 174-188, (division II) S Ct opin req 188-189, (division I) psd 195, S Ct opin req 218-219, printed 253-258, nonconc S am, conf 326, 340-341, rep adop 376-381, enr 404, sent to governor 424, signed 428-429, 449, com members appointed 452 (Chapter 39)

**HB 35** Providing for 20 years retirement for members of group II under the N.H. retirement system, permitting the transfer of members of the N.H. firemen's retirement system and of the N.H. policemen's retirement system into the N.H. retirement system and making an appropriation therefor. (Coutermarsh of Hil. 24, Roberts of Bel. 4)

7-8, am (RC) 158-162, psd 169, nonconc S am, conf 289-290, 319, rep adop 375-376, enr 403, sent to governor 424 (Chapter 33)

See also Subject Index preceding this index

- HB 36** Permitting the sale of milk in three quart containers. (Campbell of Rock. 5)  
86, psd 193-194, 195, S conc 313, enr 335, sent to governor 350, signed 448 (Chapter 21)
- HB 37** To provide for the repeal of the law tending to prohibit hitchhiking. (Parker of Hil. 17)  
86, psd 194, S conc 313, enr 335, sent to governor 350, enacted without signature 416-417, 451 (Chapter 31)
- HB 38** (Not introduced)
- HB 39** Re the homeowners' exemption law. (Read of Rock. 4)  
not introduced 446
- HB 40** Providing for additional pay and overtime pay for nurses at N.H. hospital, Laconia state school and training center, the N.H. youth development center, the N.H. home for the elderly, and the N.H. veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers.  
**New title:** Providing for additional pay and overtime for nurses at N.H. hospital, Laconia state school and training center, the N.H. youth development center, the N.H. home for the elderly, and the N.H. veterans' home, and making an appropriation therefor; and making an appropriation for overtime pay for conservation officers; and providing for increases in classified salaries for recruitment.  
intro, am, & psd 444-445, S conc 446, enr 447, signed 450 (Chapter 52)

#### HOUSE CONCURRENT RESOLUTIONS

- HCR 1** Memorializing Miriam Jackson. (Milne of Hil. 25)  
intro & adop 27, S conc 32, letter from Patrick Jackson 52
- HCR 2** Establishing a joint committee to study the railroad conditions and related matters in the state of N.H. (Milne of Hil. 25)  
27-28, adop 173, recon withd 194, adop 195, conc S am 235-236, com members appointed 452
- HCR 3** Re the protection of the N.H. fishing industry. (Tirrell of Str. 4)  
28, adop 173, 195, S conc 230
- HCR 4** Re rule no. 32 — neither house shall adjourn for longer than 5 days without the consent of the other. (Newall of Mer. 16)  
50, com changed 84
- HCR 5** Establishing a schedule of legislative days for the remainder of the special session.  
intro & adop 219-220, S conc 230
- HCR 6** Proclaiming March 26, 1974 as "Robert Frost Day."  
intro & adop 231-232, 233, S conc 234
- HCR 7** Establishing a joint committee to study federal funding from the Administration on Aging.  
intro & adop 293-294, S conc 307, com members appointed 452

#### SENATE BILLS

- SB 1** Providing for open and honest political campaigns in N.H. by requiring greater accountability and full disclosure of campaign contributions and expenditures; and protecting party loyalty by disqualifying defeated primary candidates from being nominated by petition under certain circumstances.  
198, Study 333, recon rej 339-340, com 453
- SB 2** To provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons sixty-five years of age or older, under certain circumstances, and compensating cities and towns for consequent loss

of tax base and making an appropriation therefor, and making certain revisions in the homeowners' exemption law.  
197, am & Approp 279-288, am & psd 345-347, S nonconc, conf 347-348, rep adop (RC) 411-415, enr 415, sent to governor 424 (vetoed)

**SB 3** Changing the compensation of certain state law enforcement employees and fees of witnesses.

169-170, Approp 261, psd 321, 323, enr 336, sent to governor 350, signed 417-418, 448 (Chapter 29)

**SB 4** Re penalties and forfeitures for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

170, am 268-269, psd 289, S conc 307, enr 335, sent to governor 350, signed 448 (Chapter 17)

**SB 5** Providing that a person cannot be denied unemployment compensation benefits if he refuses a job too distant from his home.

40, 1P 261-263

**SB 6** Re landlord-tenant relations.

197, K 238-239

**SB 7** Re capital improvements to the Mt. Washington summit and making an appropriation therefor.

198, Approp 247-248, am 314-315, psd 318, S conc 334, enr 347, sent to governor 422, signed 448 (Chapter 30)

**SB 8** Re the distribution of testate property following waiver of a will by surviving spouse and re the form of notice given for termination of parental rights.

170, am 272-274, psd 289, S conc 307, enr 335, sent to governor 350, signed 448 (Chapter 18)

**SB 9** Legalizing special town meetings in Wilmot and Pittsfield; and the Seabrook school district meeting.

**New title:** Legalizing: certain special town meetings in Wilmot, Pittsfield, Enfield, Salisbury, and Salem; 1974 annual town meetings in Rye, New Castle, Exeter, Salisbury, Enfield, Brentwood, Chester, and Bethlehem; the Seabrook, Gilford, and Haverhill school district meetings; the special Hampton Falls school district meeting; the Warner village fire district proceedings; and the February 19, 1974 postings of March 5, 1974 town and school meetings.

197, am 326-327, psd 334, S nonconc, conf 341-342, rep adop 400, 403, enr 406, sent to governor 424, signed 450 (Chapter 43)

**SB 10** Establishing a sire stakes program and a standardbred breeders and owners development agency.

**New title:** Establishing a sire stakes program and a standardbred breeders and owners development agency, and making an appropriation therefor.

197, am & Approp 236-238, am 315-317, psd 318, S nonconc, conf 342, rep adop 388, 399, enr 406, sent to governor 424, signed 450 (Chapter 42)

**SB 11** Establishing a state historic preservation office and making an appropriation therefor.

198, Approp 261, psd 321-322, 324, enr 336, sent to governor 350, enacted without signature 451 (Chapter 32)

**SB 12** To further protect the rights of mobile home owners by requiring the consumer protection division of the attorney general's office to promulgate guidelines as to what constitutes reasonable rules and regulations for mobile parks and by requiring that tenants be given copies of such rules and regulations.

See also Subject Index preceding this index

**New title:** To further protect the rights of mobile home owners by requiring that mobile home park owners and operators state the rules and regulations of the park in writing and provide all tenants with copies of the rules and to encourage the construction of mobile home parks by not prohibiting the so-called "first sale" restriction in a new park.

197, am 263-266, psd 289, S conc 307, enr 335, sent to governor 350, signed 420, 448 (Chapter 19)

**SB 13** Establishing a combined horse and dog racing commission.  
Study 453

**SB 14** Re election of delegates to the constitutional convention from Berlin.  
20, psd 21, enr 22, signed 291 (Chapter 1)

**SB 15** Transferring permanent state prison employees from group I of the N.H. retirement system to group II or from the state employees' retirement system to group II, and making an appropriation therefor.  
170, Approp 231, Fiscal com 336-337, 453

**SB 16** Expanding the definition of "industrial facility" under the industrial development authority to include post-secondary educational facilities  
Study 453

**SB 17** Re the N.H. port authority, the construction of fishing facilities at Portsmouth, Hampton and Rye harbors, and the location of marine science docking and related facilities for the university of N.H. and making an appropriation therefor.

197, am & Approp 266-268, am & psd 342-345, S nonconc, conf 349, rep adop 383, 396-397, enr 406, sent to governor 424, enacted without signature 432-434, 451 (Chapter 50)

**SB 18** Providing additional cost of living increases for retired members of the N.H. teachers' retirement system, the N.H. policemen's retirement system, the N.H. firemen's retirement system, the N.H. retirement system and the state employees' retirement system, and making an appropriation therefor; providing for compensatory contributions for interrupted service; and providing for an actuarial study of prefunding to be paid out of escrowed funds derived from an interest assumption change.

197-198, Approp 238, psd 337-339, enr 387, sent to governor 425, signed 428, 450 (Chapter 35)

**SB 19** Specifying procedures for termination of residential gas or electric services.  
198, 201, am 247, psd 249, S conc 252, enr 253, sent to governor 291, signed 351 (Chapter 11)

**SB 20** Providing for regulation of franchise agreements for the sale of gasoline.  
**New title:** Providing for regulation of franchise agreements for the sale of gasoline and requiring the posting of motor fuel prices.

199, 201, am 295-296, psd 313, S conc 319, enr 336, sent to governor 350, signed 448 (Chapter 24)

**SB 21** Establishing a commission on children and youth.  
199, 201, Study 321, 453

**SB 22** Establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state.

**New title:** Establishing a study committee to develop a plan to provide public assistance to private institutions of higher learning in this state and relating to the Lafayette regional school district and Bethlehem school district.

198, 201, am 258-260, psd 289, S conc 307, enr 336, sent to governor 350, signed 448, com members appointed 453 (Chapter 22)

**SB 23** Re the membership of municipal planning boards and providing for the creation of cooperative regional planning commissions.

**New title:** Re the membership of municipal planning boards, conservation commissions, and historic district commissions.

198, 201, am 328-332, psd 334, S nonconc, conf 341, 352, rep adop 402-403, 404, enr 406, sent to governor 425, signed 450 (Chapter 44)

- SB 24** Authorizing cities and towns to grant franchises for cable television systems.  
198, 201, am 269-271, psd 289, S conc 307, enr 336, sent to governor 350, signed 448 (Chapter 23)
- SB 26** Providing for retirement benefits for supreme and superior court justices.  
198, 201, Approp 231, am 320, psd & S conc 334, enr 347, signed 419, sent to governor 422, signed 448 (Chapter 25)
- SB 27** To better protect the safety of N.H. citizens and law enforcement officers by changing penalties for homicide in certain circumstances.  
198, 201, am (RC) 296-306, psd 313, S nonconc, conf 355-356, 404-405, rep adop 411, enr 415, sent to governor 425 (Chapter 34)
- SB 28** To establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people.  
199, 201, Study 332-333, 453
- SB 29** Exempting enterprises selling spirits and wines to the state of N.H. from the business profits tax.  
199, 201, K 274-276
- SB 31** Authorizing the cities of Berlin and Keene to acquire, develop, and operate industrial parks within each such city and to aid the construction and expansion of industrial facilities within each such city by the issue of revenue bonds.  
276, 294-295, psd 323, 324, enr am 334-335, enr 347, sent to governor 422, signed 449 (Chapter 26)
- SB 33** Legalizing the authorization of bonds by the town of Durham.  
intro & psd 436-437, enr 443, signed 450 (Chapter 51)
- SB 34** To provide fairer real estate taxes for the elderly through a partial exemption from real estate taxes for persons seventy years of age or older, under certain circumstances, and compensating cities and towns for consequent loss of tax base and making an appropriation therefor, and providing for an election between the homeowners' exemption and the elderly exemption.  
intro & LT 447

#### SENATE JOINT RESOLUTIONS

- SJR 1** Compensating Rene Boucher for mileage while serving on the committee of voter registration and checklists.  
170, psd 230, 233, enr 234, sent to governor 251, signed 291 (Chapter 6)
- SJR 2** Establishing an interim committee to study oil companies and other energy suppliers.  
199, 201, K 271-272, recon notice 290-291
- SJR 3** Establishing a committee to study highway safety and motor vehicle weight, length, and width requirements.  
252, am 325-326, psd & S conc 334, enr 347, sent to governor 422, signed 449, com members appointed 454 (Chapter 27)

#### SENATE CONCURRENT RESOLUTIONS

- SCR 1** Referring the question of the reclassification of a certain highway in the town of Clarksville to a joint legislative committee.  
197, adop 322, com 454
- SCR 2** Referring the question of compensation for the town of Gorham to a joint legislative committee.  
197, adop 322-323, com 454
- SCR 3** Re school safety patrol.  
intro & adop 252

See also Subject Index preceding this index











